

(c) To make advances directly (1) to any corporation owning or controlling (directly or through stock ownership) any railroad or other public utility, and (2) to any person, firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war: *Provided*, That such advances shall be made only in such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest. Such advances may be made against securities of one and a third times the advance made and for periods not exceeding five years from the passage of this act, upon such terms and upon such adequate security and subject to such rules and regulations as may be prescribed from time to time by the board, with the approval of the Secretary of the Treasury.

(d) To subscribe for, acquire and own, buy, sell, and deal in bonds and obligations of the United States to such extent as the Secretary of the Treasury may from time to time determine.

SEC. 7. The Secretary of the Treasury is authorized to issue and have outstanding at any one time United States war finance bonds in an amount aggregating not more than \$1,000,000,000, such bonds to mature not less than one year nor more than five years from the respective dates of issue and to bear a rate of interest of 4 per cent per annum and to be redeemable before maturity at the option of the board, subject to the approval of the Secretary of the Treasury. Such bonds shall be issued in terms of foreign money and sold American importers at par to the extent necessary for them to acquire foreign currency or foreign credits needed to cover their importations in countries whose currency is at a premium.

Such bonds may be issued at par in payment of any advances authorized by this act, or for any of the purposes of this act may be offered for sale publicly or to any individual, firm, association, or corporation at such price or prices, not less than par, as the board may determine, subject to the approval of the Secretary of the Treasury.

SEC. 8. For the purpose of assisting in the prosecution of this war and providing for the public security and defense through the restriction of unnecessary capital expenditures there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may, under rules and regulations to be prescribed by such committee, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale or offering for sale or for subscription of securities, as hereinafter provided. Such committee shall, however, grant licenses for any such sale or any such offering for sale or for subscription which it shall determine to be consistent with the foregoing purposes. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be \$7,500 per annum, to be paid by the board. Shares of stock of any corporation or association without nominal or par value shall for the purposes of this act be deemed to be of the par value of \$100 each. Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected thereby. Nothing in this act shall be construed to prohibit, or to require any license from such committee in respect of, any borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes. This section shall not be construed to apply to any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States. This section shall not take effect until rules and regulations shall have been prescribed by such committee, as hereinafter provided, and may continue in effect until the expiration of six months after the termination of the war, the date of such termination to be determined by a proclamation of the President of the United States. Nothing done or omitted by such committee hereunder shall be construed as carrying the approval of such committee or of the United States of the legality, validity, worth, or security of any securities.

SEC. 9. The war finance bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of such bonds the principal of which does not exceed in the aggregate \$5,000 owned by any individual, partnership, association, or corporation shall be exempt from the taxes provided for in subdivision (b) of this clause.

SEC. 10. The board shall make monthly reports to the Congress, giving the name and place of business of the person, firm, corporation, or association to which such advances have been made under the provisions of this act, the amount advanced, and the security accepted therefor.

SEC. 11. The term "securities," as used in this act, includes stocks, bonds, notes, certificates of indebtedness, and other obligations.

SEC. 12. The right to amend, alter, or repeal this act is hereby expressly reserved.

MR. OWEN. Now I move, on page 11, line 5, after the words "Secretary of the Treasury," to insert as a new sentence the words "Such bonds shall be issued in terms of foreign money and sold to American importers at par to the extent necessary to cover their importations from countries whose currency is at a premium." I will explain that in the morning. If it needs any explanation. It will par the American gold dollar.

On page 11, where the language reads "Federal reserve banks shall be authorized, subject to the regulations of the Federal Reserve Board, to rediscount and purchase paper and make advances secured by such bonds in the same manner and to the same extent and at the same rate or at such higher rates as the Federal Reserve Board may approve," I wish to insert as an amendment the words "at not less than 1 per cent in excess of the interest rate fixed upon commercial paper by the Federal Reserve Board in that district."

I will consider that to-morrow, but I do not wish to take any time in discussing it now, and I do not want to delay the Senate in its adjournment. I have nothing further to offer.

MR. SIMMONS. I move that the Senate adjourn.

THE PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma [Mr. OWEN], pending which the Senator from North Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 7, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 6, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Allen, D. D., offered the following prayer:

We stand in Thy holy presence, O God, our heavenly Father, with bowed heads and open hearts, that we may receive of Thine infinite wisdom, power, and goodness sufficient unto the needs of the hour; that we may be wise in our conceptions, strong in our convictions, firm in our purposes; that the work of this day may be well pleasing in Thy sight and conducive to the best interests of mankind; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PNEUMATIC-TUBE SERVICE.

MR. ROUSE. Mr. Speaker, I desire to present a minority report of the Commission to Investigate the Pneumatic-Tube Service, and I ask unanimous consent that the report be printed in the Record.

THE SPEAKER. The gentleman from Kentucky presents a minority report of the Pneumatic-Tube Service Commission and asks that it be printed in the Record.

MR. CANNON. Was the other report printed in the Record?

MR. ROUSE. The majority report has been printed in the Record.

MR. JOHNSON of Washington. It was printed by the gentleman getting time in debate and extending it in his remarks.

MR. ROUSE. I did it in that way because I did not want to use that time.

MR. MADDEN. Inasmuch as the other report is in, let this go in.

THE SPEAKER. Is there objection?

MR. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to inquire how lengthy is the report of the minority views.

MR. ROUSE. It is about 70 pages.

MR. STAFFORD. Mr. Speaker, that is entirely too cumbersome a report to load down the Record with, and I object.

THE SPEAKER. The gentleman from Wisconsin objects.

MR. ROUSE. Then I ask unanimous consent that a summary of the report be printed in the Record. It is only about 14 typewritten pages.

THE SPEAKER. The gentleman from Kentucky asks unanimous consent that a summary of the report be printed. Is there objection?

MR. STAFFORD. Has the summary been prepared?

MR. ROUSE. Yes.

THE SPEAKER. Is there objection?

There was no objection.

Following is the summary referred to:

MINORITY REPORT OF THE COMMISSION TO INVESTIGATE THE PNEUMATIC-TUBE SERVICE.

This commission was created for specific purposes. Its duties were clearly defined by the Congress. It had an opportunity to render a service of great value but, in my judgment, failed to do so.

The act creating the commission directed that it should:

"(a) Investigate the value of the pneumatic-tube service."

In prosecuting its investigation in compliance with this direction the commission did not summon before it a single expert postal official to ascertain his views and judgment as to the value of the pneumatic tubes. In neglecting to do so the commission failed to obtain at first hand the judgment of the only men qualified by experience and technical knowledge of the Postal Service to pass intelligently on this subject. The commission employed Stone & Webster, consulting engineers of Boston, Mass., to investigate the utility value of the pneumatic tubes. There is no evidence that any person connected with this firm has any technical knowledge of the postal methods and necessities of the present day.

In making their investigations the representatives of Stone & Webster did not confer with any person connected with the Post Office Department, neither does their report indicate that they obtained the judgment of responsible persons at the post offices where the tubes are operated as to the utility value of the tubes. It must be conceded that those in daily contact with the tubes and who are responsible for the expeditious handling of the mails are best qualified to testify to the

value of the tubes as a mail-carrying device. This was fully recognized in the early history of the tubes. The Search Commission, of which S. C. Mead, now secretary of the Merchants' Association of New York City, was a member, and which considered the question as to whether the pneumatic tubes should be owned, leased, or discontinued by the Government, in its report of December 20, 1900, stated:

"The Government, through its responsible officials, should be the final judge of the extent of ultimate adoption [of the tubes]."

The Congress fully recognized the value of the judgment of experienced postal officials in this matter and would not even trust the Postmaster General to pass on the value of the pneumatic-tube service, because he might lack expert and scientific postal knowledge, but required by the act of April 21, 1902—

"That no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials to be named by him."

This act applies to the pneumatic-tube service only and has never been repealed.

The commission was further directed to ascertain—

"(b) The value of the tubes, franchises, and other equipment with a view to the purchase or operation of the same or any portion thereof by the Government."

The commission made no investigation to determine the present physical condition of the properties of the pneumatic-tube companies, and so can not state their value. With reference to the franchises, the commission appointed in accordance with the provision of the act of August 24, 1912, employed Mr. Nathan B. Williams, a well-known attorney, to look into and report on their duration, and his report is, in part, as follows:

"Boston occupies all streets, revocable on order of city council."
"New York, 25 years, from 1897." This franchise will expire in 1922, or four years hence.

"Chicago, 20 years, from October 12, 1903, with right of purchase after October 12, 1913." This franchise expires in 1923, and under its provision the property reverts to the city of Chicago.

"St. Louis, 25 years, presumably from June 10, 1903." This franchise will therefore expire in June, 1928.

"Philadelphia, no terms."

In connection with this franchise, however, attention is called to section 12 of an ordinance regulating the laying and construction of underground wires, electrical conductors, conduits, cables, or tubes, approved the 5th day of August, 1886, which was submitted by Mr. Williams, and which reads as follows:

"Should any company, corporation, firm, or individual to which privileges have heretofore or shall hereafter be granted for the laying of underground wires, electrical conductors, conduits, cables, or tubes, dispose of any of the franchises granted by ordinance, or lease to, consolidate, or merge with any other company, corporation, firm, or individual, they shall forfeit all rights and privileges granted to them by the city of Philadelphia, and upon satisfactory proof being furnished to the chief of the electrical department and the city solicitor, they are hereby authorized and directed to take similar action against the offending company, corporation, firm, or individual, as provided for in section 9 of this ordinance."

With respect to keeping the streets in repair, the franchises for the different cities require, according to the report of Mr. Williams:

"Boston: Person opening surface of street must make repairs for 12 months.

"New York: Streets must be restored and maintained.

"Chicago: Deposit covering estimates for repair costs must be maintained.

"St. Louis: Deposit covering estimates for repair costs must be maintained.

"Philadelphia: Repairs must be maintained for three years."

For the Government to spend millions of dollars to purchase tube systems operating under franchises which will expire within such a short period of time would be indefensible, as in one instance the property will revert to the city upon the expiration of the franchise and in another all rights and privileges granted by the city shall be forfeited upon sale. No business man would think of spending a dollar of his own money under like circumstances and surely we should not vote to squander the money of the public under circumstances where we would not be willing to spend our own.

The commission was also directed to:

"(c) Ascertain the cost and terms upon which such purchase may be made."

While the commission has not determined the cost of the tubes, the majority report outlines a method of payment which is clearly impracticable. After payment of the interest on deferred payments it is proposed to deduct the costs of operation from the amount now appropriated for rental and to apply the difference to the purchase. In my judgment after the interest and operating cost and proper charges as such there will be little or nothing left to apply to the purchase of the tubes and they will be worn out long before final payment can be made. In justice to the pneumatic-tube companies, and if their properties are to be purchased they should know how and when they are to be paid. In justice to the public if Government funds are to be used for that purpose they should know the extent of the cost.

The evidence before it and upon which the commission must base its conclusions consists of the testimony of representatives of commercial and civic organizations, the report of Stone & Webster, the briefs of the pneumatic-tube companies and of the Post Office Department, together with the accompanying exhibits.

I wish every Member of Congress would read the report of the departmental commission of 1916, the brief of the department, the report of the Post Office inspectors, and the report of the various postmasters and supervisory officials (pages 64 to 241, Briefs and Data) that they might comprehend the question from the clear, concise reasoning of broadminded men, men of experience and technical knowledge of the Postal Service and who, when they discuss postal affairs, know what they talk about.

These reports analyze the service in the minutest detail. The statements and conclusions contained therein are fully supported by facts. They are unanswerable and clearly disprove the arguments of the owners that the tubes are efficient and necessary to the Postal Service. This being true, the companies now resort to personal abuse and generalities to effect the sale of the tubes to the Government.

In reviewing the data before the commission the most careful consideration must necessarily be given to the respective interests of the parties involved. The owners of the tubes are in no wise responsible for the efficiency or conduct of the Postal Service. They are, however,

vitaly interested, from a selfish standpoint, in disposing of their property to the Government. They have inspired every possible sentiment to enable them to consummate this end. On the other hand, the Post Office Department, upon which rests the responsibility for efficiency in the Postal Service, must of necessity be vitally interested in procuring utilities best adapted to postal needs. The majority of the commission have entirely waived aside the facts presented by the department, as well as the judgment of the ablest men in the Postal Service. They have accepted instead the statements of the pneumatic tube owners and such inspired testimony as the latter, through hired agents, have been able to procure. If this commission questioned the judgment of the postal officials subscribing to the brief and reports of the Post Office Department and postal officials (pp. 64-241, Briefs and Data) it was clearly its duty to summon these officials and ascertain the facts upon which their opinions and conclusions were based and to determine the value of their judgment. These officials expected to be called before the commission and be so examined, and the fact is that the department urged that this be done.

While many investigations have been made of the pneumatic tubes by expert postal officials, only one of such officials recommended that the Government purchase the tubes. He served on two commissions within a short period of time and recommended both ways, once against and once for the purchase of the tubes.

In referring to the Postal Service the majority report states:

"The policy of those responsible for efficient management should be, however, to keep pace with the growth and the development of the country and the necessity for a constantly improved service."

This policy is sound in principle, and the Post Office Department urges that it be permitted to follow it in practice. This commission can not expect the Post Office Department to keep pace with the growth and development of the country and meet the demands for a constantly improved service if compelled by Congress to use antiquated and obsolete devices.

This commission fully appreciates the importance of letter mail and the necessity for its expeditious handling. The majority report states:

"The records of the Post Office Department indicate that from three to five million letters are advanced in delivery each day by the tubes, which otherwise would be delayed. The commission feels that the additional cost for providing expedition for this amount of mail is fully justified. The engineers for the commission estimate that the expense of tube service and Government ownership to supplant the necessary automobile service to replace the tubes if discontinued would be about \$312 a day. The commission concludes that for this sum Congress can well afford to provide this special service for three to five million letters daily that would be enabled thereby to reach their destination earlier, which otherwise would not be true if tube service were dispensed with."

On this statement is based the recommendation for the purchase of the tubes.

It may be true that from three to five million letters are now advanced in delivery each day by the tubes, but in view of the evidence before the commission it is not justified in assuming that these letters will be delayed if the use of the tubes is abandoned, because the department proposes to handle them more expeditiously by other means. The report of the departmental commission, dated October 13, 1916, page 12, states:

"The statements and reports heretofore prepared by different commissions on pneumatic tubes show the number of pieces of mail advanced by the use of the tubes. This should not be construed to mean that if the tubes were displaced the same quantity of mail would be delayed, for the reason that the existing screen-wagon schedules are so arranged as to permit of the greatest possible use of the pneumatic-tube service for the dispatch of letter mail."

The representatives of the department contended, when appearing before committees of Congress, that by rearrangement of the automobile schedules and by supplementing them with additional trips that practically all of the mail then advanced by tubes could have been handled without delay, and that much of the mail then delayed by the tubes advanced. They also showed how that later dispatches could be made by automobile than were being made by the pneumatic tubes. Experience has demonstrated that this claim was true. In the report of the investigation of the New York service (p. 82, Briefs and Data) it is stated:

"During the latter part of 1916 an investigation was made into the cause of the failure to dispatch mail for Washington, Baltimore, and Philadelphia to the train above referred to, a considerable portion of which was postmarked at Madison Square Station. At that time the closing for the last wagon to this train, which leaves the Pennsylvania Terminal Station at 9.45 p. m., was 8.48 p. m., while the closing for the tube to the same train was 8.53 p. m. Our investigation showed that the dispatch of mail to this train was jeopardized when placed in the tube containers at 8.53 p. m., and that the connection frequently was missed. Following our investigation a wagon, known as trip 155, was scheduled to leave Station D at 9.07 p. m., Madison Square Station at 9.18 p. m., and Station F at 9.27 p. m., arriving at the Pennsylvania Terminal Station with closing mail from those stations for train 139, above mentioned. The previous closing time of the tube for this train at Station D was 8.50 p. m., a difference in favor of the wagon of 17 minutes; Madison Square at 8.53 p. m., a difference of 25 minutes; and Station F at 8.50 p. m., a difference of 37 minutes. The records show that the wagon is regularly making the connection, whereas the connection at that hour by the tube was very uncertain. We cite this instance from the fact that this wagon was scheduled especially to make this connection, the tube service being undependable."

"In the event a complete wagon system is inaugurated, wagons for closings for the heavier connections would be scheduled from the other stations accordingly. It is unfair to compare the present schedules of wagon service with the tube closings for connections with trains, as, due to the fact that the tube service is maintained, the wagons have not been scheduled to provide for the transfer of final dispatches, but for the handling of the heavier and more bulky mail. In fact, heavy trucks are used, whereas if dispatches of first-class mail were dependent upon the operation of wagons lighter and more rapidly moving vehicles would be used. The conditions above described would substantially obtain under a complete system of wagon service, and while in some instances of longer hauls a small amount of time would be lost, the greater volume of the mail would be correspondingly advanced."

The postmaster at Philadelphia states (p. 136, Briefs and Data):

"In summing up the comparative merits of the pneumatic-tube system and any other means for the transportation of mails, consideration should be given to the essential features, which are speed, reliability, and cost."

"It has been shown that 4,297 letters are advanced in delivery by tube service, but this advantage is offset by the more expeditious de-

livery of special-delivery parcels and large packages of first-class mail which the increased automobile service would give."

Hon. MARTIN B. MADDEN, of Chicago, a distinguished Member of this Congress, who is ever zealous in guarding the interests and efficiency of the Postal Service and whose judgment in matters of postal affairs is eagerly sought, stated, on page 366 of the hearings before the Post Office Committee in December, 1913:

"Mr. MADDEN. Would you be surprised to know that an investigation that I made of the pneumatic-tube service in Chicago led me to the conclusion that it was a service of no special value, except in the matter of the 12 minutes' time saved in closing the mail; that they would have to close 12 minutes earlier if they did not use the service; but that all mail sent through the pneumatic tubes from the office to the railway stations had to be broken up and be put in small packages in order to put it through the tubes at all, and then it had to be redistributed for transportation over the railroad at a cost of \$60,000? A number of clerks sufficient to consume \$60,000 a year in pay had to be maintained to put that mail back into form. Perhaps it might surprise you to be told that I could take a wheelbarrow from the main post office and start up to any of the ordinary railroad stations with it and load it in and get it mailed on the train as quick as the pneumatic-tube service, taking the time for redistribution into consideration."

What has been demonstrated to be true in New York, Philadelphia, and Chicago is equally true in the other cities where the tubes are operated. This clearly demonstrates that but few of the letters referred to by the commission will be delayed. It also clearly demonstrates that many letters now delayed through the use of the tubes can be materially advanced. The conclusions in the majority report, being based on false assumption, must naturally fall of their own weight.

It is the judgment of postal officials who are in daily contact with the tube service that it is of so little value as a postal utility that if tendered the department as a gift it would not be justified in asking the Congress for funds to operate it. Their judgment in this respect appears to be in accord with that of Congress with regard to pneumatic tubes, because the Congress itself fails to operate the tube which connects the Capitol with the House Office Building, although it is of much larger diameter than the tubes used in the Postal Service. Even the merchants of Boston abandoned more than 15 years ago a tube installed in that city for commercial purposes, and the most expert postal officials and engineers of Great Britain, after a thorough investigation of the tube system installed in this country, recommended to their Government against its adoption, and stated that it possessed no advantage as a means of transporting mail over the ordinary road van.

The conclusions in the majority report, in my judgment, are not justified for the following reasons:

First. Because they are not in accordance with the facts. When viewed in the most charitable manner, the data before the commission do not justify the purchase, retention, or operation of the tubes.

Second. The expenditure of millions of dollars by the Government to purchase the present pneumatic-tube equipment, which the postal officials state is inefficient, antiquated, and worn out, and of so little value that it would not be accepted as a gift, can not be justified.

Third. To compel the department by law to continue the use of these tubes which delay millions of letters annually and damage and destroy thousands of others would be indefensible.

Fourth. The purchase by the Government of the present tube systems, with tubes of various sizes, operating under franchises which are either revocable or which will expire long before final payment can be made, and in one instance which will revert to the city at the expiration of the franchise, would be little short of scandalous, and will justly deserve the condemnation of the public.

Fifth. The purchase of approximately 5 miles of pneumatic tubes which were abandoned as a commercial failure, and for which the Government has already paid a rental far in excess of the original cost to the tube company, is preposterous.

Sixth. The proposed method of payment for the tubes outlined in the majority report is but a weak attempt to justify and camouflage an extravagant waste of public funds at a time when the Government must sell liberty bonds and greatly increase taxes to secure funds to successfully prosecute the war.

Seventh. To ignore the facts presented and the judgment of eminently qualified postal experts not only of the United States but of Great Britain, and yield to the importunities of those financially interested and the inspired sentiment created by professional boosters who have no intimate knowledge of the service or responsibility for its successful operation would also be indefensible.

It is admitted by the owners of the pneumatic tubes that the Government is not under the slightest moral obligation to purchase or continue their use. In view of their inefficiency, and the destruction, damage, and delay which they cause to an enormous quantity of letters, I can not too strongly urge that the present tube systems be not only not purchased by the Government but that their use be discontinued entirely. I wish to state, however, that I am very much in favor of an underground system which will transport all mail of all classes in the congested districts of large cities, but I am not in favor of the purchase by the Government of an obsolete toy, which the present pneumatic-tube system is.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the list of committees.

The Committee on the Judiciary was called.

TO PUNISH DESTRUCTION OF WAR MATERIAL.

Mr. WEBB. Mr. Speaker, on behalf of the Committee on the Judiciary, I desire to call up Senate bill 383, House Calendar No. 4, I believe.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

Mr. WEBB. Mr. Speaker, on behalf of the committee, I desire to offer a committee substitute for Senate bill 383 and have it read at this time for discussion.

The SPEAKER. The gentleman from North Carolina offers a committee substitute, which the Clerk will report.

The Clerk read as follows:

A bill to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes.

Be it enacted, etc., That the words "war material," as used herein, shall include arms, armament, ammunition, clothing, food, supplies, stores, and all other articles of whatever description intended to be used by the United States, or any associate nation, in connection with the conduct of the war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, wherein or whereby such war material or any troops of the United States, or of any associate nation, are being or about to be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished to the military or naval forces of the United States or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to the military or naval forces of the United States, or any associate nation.

The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that this act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that this act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

The SPEAKER. Does the gentleman from North Carolina desire to ask leave to consider the substitute for the Senate bill?

Mr. WEBB. I desire to offer the substitute in lieu of the Senate bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider the committee substitute in lieu of the Senate bill. Of course, the time has not come to offer the substitute, but the Chair wants to warn the House that it is a House substitute for the Senate bill that the gentleman desires to discuss.

Mr. WEBB. That is right.

The SPEAKER. The gentleman from North Carolina has 45 minutes and the gentleman from Minnesota [Mr. VOLSTEAD] 45 minutes.

Mr. WEBB. Mr. Speaker, when this bill was before the House on a Calendar Wednesday last April a number of gentlemen, among them our esteemed friend, the honored Republican floor leader [Mr. MANN], interposed very serious objections to certain language which was in the Senate bill, and it was seriously objected to by a number of Members. The language which at that time seemed to be most objectionable to those gentlemen was this, as found in lines 5, 6, 7, 8, and 9 in the Senate bill:

And all other articles of whatever description requisite to or intended to be used in connection with the conduct of war by the United States, as well as all machinery and other articles and accessories required for or connected with the production or manufacture of such war material.

The words "requisite to" seemed to cause most debate and most objection. The objections of those gentlemen ran to the Senate bill entirely.

We did not finish the bill on that day, and the chairman of the Committee on the Judiciary asked a special subcommittee to go over the Senate bill, which was reported hastily, I may say, and they proposed a substitute. The substitute that we now offer I think very largely eliminates that objection.

My recollection is that there was another objection which the debate did not fully develop, which was that it made the defendant guilty of a crime if he injured or destroyed by fire or other violent means either war materials or war utilities or war premises without requiring any evidence to show that he

knew that they were war materials or war premises or utilities, or that he intended to obstruct the operations of the war, so that the committee in the substitute provides that whoever in time of war, with intent to injure, hinder, or delay the prosecution of the war, or whoever, with reason to believe that his act would hinder, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, even if not by violence or explosion, injures or destroys any war materials or war utilities, shall be guilty of a crime.

In one sense we have restricted the bill a little and in another broadened it. It seemed that the words "requisite to" were objected to on the ground that they might cover anything that might possibly be used directly or indirectly to prosecute the war. It might cover corn or wheat in the fields, growing or otherwise, and, of course, the committee did not want to make it too broad. At the same time, they wanted to make it broad enough to cover anybody who would try to prevent or delay or hinder the successful prosecution of the war.

Mr. MADDEN rose.

Mr. WEBB. I yield to the gentleman from Illinois.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. I yield to my friend from Illinois.

Mr. MADDEN. Of course, this gives any person charged with a crime described in this bill the right to a defense, to prove his case if he is innocent?

Mr. WEBB. Oh, absolutely. This is a civil bill and will be enforced by the civil court.

Mr. MADDEN. I do not think it can be too drastic myself. If we are in this war to win, we have got to provide the means to win, and we must surround the Government with every safeguard to enable it to carry out the functions that devolve upon us by reason of the fact that we are in the war. Personally I believe that the committee have done a good job, and there ought not to be any question about the adoption of this bill without debate, it seems to me.

Mr. WEBB. I thank the gentleman. If there is any further question about the substitute, I will be glad to try to answer it.

Mr. ROBBINS. Will the gentleman yield?

Mr. WEBB. I do.

Mr. ROBBINS. This bill applies to Government property. It does not apply to private property.

Mr. WEBB. Oh, yes; it does apply to all sorts of property if it is intended to be used in the prosecution of the war.

Mr. ROBBINS. Would it apply to works like the Westinghouse works, near Pittsburgh, if they are engaged in the manufacture of munitions.

Mr. MADDEN. Undoubtedly.

Mr. ROBBINS. These works have been burned down, and there have been explosions in them, all of which have been believed to be because they were engaged in the manufacture of munitions; but they are privately owned property, not under the jurisdiction of the United States.

Mr. WEBB. Let me read to the gentleman the definition of war premises:

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

Mr. ROBBINS. That description is quite broad, but would it yet include a privately-owned manufacturing concern engaged in the manufacture of munitions?

Mr. WEBB. I imagine a privately-owned manufacturing concern "wherein such war material is being produced, manufactured, repaired, or stored," intended for the use of the United States, would be covered by this bill.

Mr. ROBBINS. I think it should be broad enough to cover these cases.

Mr. WEBB. We are perfectly willing to make it as broad as necessary, and if the gentleman can make any suggestion we shall be glad to consider it. This is practically the language suggested by the Attorney General. We have taken practically his definition of war premises.

Mr. DYER. If the gentleman will yield, I will say that there is not any question but what the committee wants to include all matters of that kind.

Mr. WEBB. That is correct.

Mr. DYER. And it seems to me that that definition is ample for the purpose that the gentleman has referred to.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I do.

Mr. STAFFORD. In hastily glancing over this bill I notice that it is much broader and more drastic than the original bill that we considered here some months ago.

Mr. WEBB. As I said in my opening statement, in one respect it restricts and in another respect it is a little broader, because the Senate bill provided that a man could only be punished when he committed some of these offenses by some violent means—by fire or explosion. We provide that he shall be punished if he injures or destroys any of these war utilities or premises, whether by violent means or not. We thought that a man who deliberately, with intent to delay the prosecution of the war, injured any utilities which were described in this substitute, which manifestly are necessary for the prosecution of the war, and did it with intent to injure or delay, or with the knowledge or belief that it may injure or delay the prosecution of the war, ought to be punished.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. WEBB. If my friend from Wisconsin has concluded his remarks, I will yield.

Mr. GRAHAM of Illinois. I observe that the penalty fixed in the act is only fine or imprisonment. Suppose these acts result, as they frequently do, and have during the last few months, in the death of one or more persons; do you not think there ought to be some provision by which the death penalty could be inflicted in a case of that kind?

Mr. WEBB. The difficulty heretofore, as I understand, has been in apprehending the guilty person. If in any State of the Union a man blows up a building, and in blowing it up kills some one, he is liable to be hanged under the State law. This bill will put it in the power of the Government to run down and apprehend violators of this act.

Mr. GRAHAM of Illinois. Yes.

Mr. WEBB. And this is a remedy which is additional to what the State has against these very same offenses. We are defining offenses which are now punishable under the State laws, also offenses against the Government of the United States. We have not covered the death penalty; but we thought if we covered the others, then if the Government catches a man who actually committed any offense of this kind under the circumstances the gentleman suggests the State would probably hang him, and properly so.

Mr. STAFFORD. This bill in its phraseology would not prevent labor from striking to redress any grievances that they might conceive they had—

Mr. WEBB. Not unless—

Mr. STAFFORD. In case that labor was employed in the manufacture of munitions or articles necessary for carrying on the war.

Mr. WEBB. No; not unless labor injured these war utilities by a combination whose intent was to delay the prosecution of the war.

Mr. DYER. Does the gentleman mean to say that a man who was working in one of these factories, a laborer who wants to go on a strike and does go on a strike, is to have any privileges that are not accorded to any other citizen under this proposed bill?

Mr. WEBB. Of course I do not say that. If a man strikes and injures war utilities or war premises as a striker, and does that with intent to delay or interfere with the prosecution of the war, he would be just as guilty as anybody else who does not labor, and of course he ought to be.

Mr. REAVIS. Will the gentleman yield?

Mr. WEBB. I yield to my friend from Nebraska.

Mr. REAVIS. Section 1, page 2, lines 6 and 7, war utilities, is defined in the bill to comprehend "railroad or railway fixture." Now, suppose in the course of a strike some railway fixture were injured with intent to injure the railroad company, but not with an intent to interfere with the prosecution of this war. In that event the striker would not be liable, unless he had reason to believe that his act would interfere with the prosecution of the war.

Mr. WEBB. That is why we have two offenses in the bill; one, if he knowingly interferes with the prosecution of the war he is guilty of a crime, and, secondly, if he does an act with reasonable ground to believe that it will interfere with the prosecution of the war, that makes him guilty, too.

Mr. STAFFORD. Will the gentleman permit me?

Mr. WEBB. Yes.

Mr. STAFFORD. I want to direct the gentleman's attention to section 2, as I believe the phraseology is broad enough to make it a crime under this bill in case the striker destroys property of the railroad company with the intention to gain his means of winning the strike. If it in any wise affects the dispatch of the war under that section, he would be guilty of a crime.

Mr. REAVIS. Will the gentleman from North Carolina permit me to answer the gentleman from Wisconsin?

Mr. WEBB. Yes.

Mr. REAVIS. Under clause 2 of this bill the provision is as follows:

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall—

And so forth.

Now, if the act of the striker is done without an intent to interfere with the prosecution of the war, and without reason to believe that it would so interfere with the prosecution of the war, he is not amenable to this bill.

Mr. STAFFORD. Who determines that?

Mr. REAVIS. That is a question of fact for the jury.

Mr. STAFFORD. Yes; it is for the jury, of course; but it occurs to me that under the drastic language of the section the case of the striker instanced by the gentleman from Nebraska would be liable.

Mr. WEBB. The striker's body is no more sacred than the body of anybody else.

Mr. STAFFORD. But I understood the gentleman to say that he would not be liable.

Mr. WEBB. I did not say that he would not be liable; I said he would be if he commits the acts denounced in the bill, just the same as anyone else.

Mr. REAVIS. Would the gentleman be in favor of acquitting a striker who did an act with reason to believe that it would interfere with the prosecution of the war?

Mr. STAFFORD. I would not; but I say that under the phraseology, under a strict construction, he would be guilty of a crime in the case instanced by the gentleman from Nebraska.

Mr. REAVIS. I can not agree with the gentleman in the absence of an intent or something to put him on notice of the fact that he was interfering with the prosecution of the war.

Mr. WEBB. I will say that if the striker should throw a bomb into a munition plant, in which he had been at work, for the purpose of blowing up and killing or injuring the man for whom he is at work, he would be guilty under this bill, if the jury should find, and, of course, it would find without any hesitation, that he had reason to believe that blowing up the factory would interfere with the prosecution of the war.

Mr. STAFFORD. There is no one in this Chamber who does not wish to punish that character of man to the greatest extent, and not only give State authorities the jurisdiction which they now have, but give national authority to prosecute such act.

Mr. WEBB. I am glad the gentleman has interjected the question, because I want it understood that the striker can not violate the law more than anybody else can violate it.

Mr. RUCKER. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. RUCKER. The gentleman states if a striker throws a bomb for the purpose of blowing up a factory he would be guilty.

Mr. WEBB. Yes.

Mr. RUCKER. Would the Government be required to show that he had the purpose in blowing up the factory when he knows that the bomb would be likely to blow it up?

Mr. WEBB. No.

Mr. RUCKER. If he throws a bomb, regardless of any purpose, he ought to be guilty.

Mr. WEBB. We do make him guilty if he has reason to believe that destruction would retard the prosecution of the war.

Mr. RUCKER. A man must be held to be responsible for the ordinary consequences of his act. If he throws a bomb into a munition factory, the natural and usual consequence would be to delay it, and he must be held responsible for it.

Mr. WEBB. Yes; even if the bomb did not explode, if he made the attempt he would be guilty under this bill.

Mr. CANNON. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CANNON. The gentleman is now discussing the House substitute?

Mr. WEBB. Yes.

Mr. CANNON. I have not had my attention directed to the House substitute, and therefore what I say is rather a hop, skip, and a jump. When the President addressed the Congress before the Adamson bill passed he recommended the bill, as I recollect it, and for which I voted. In his address he also favored, in substance, legislation that when a dispute arose about wages between employers and employees it should be arbitrated, and pending arbitration it should be unlawful not for one man to quit his job, but unlawful to strike in pursuance of a conspiracy, until the award was made, and when made the award should be made

a judgment of the court. Now, is there anything in this act or in any other bill pending that would tend to prevent these strikes until there was arbitration and the arbitration made the judgment of the court?

Mr. WEBB. As far as my knowledge is concerned, I will say that I know of no bill pending before the Judiciary Committee along the line of the gentleman's suggestion that would squarely and simply prevent men from striking under any circumstances. Such bill may be pending before the Committee on Interstate and Foreign Commerce. However, I do not know of any such bill. That committee might have jurisdiction of it, as it had jurisdiction of the Adamson railroad bill. I do not know whether such proposed legislation is pending or not.

Mr. HAMLIN. If the gentleman will permit me, in connection with the suggestion of the gentleman from Illinois [Mr. CANNON], would not that bill have this effect? Section 2 reads:

That when the United States is at war whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war—

A strike would not come within that provision.

Mr. WEBB. No; unless the strikers have the intent to interfere with the prosecution of the war and injure or destroy some class of property defined in the bill.

Mr. HAMLIN. But that is preliminary. It continues—

or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war.

Now, if men employed in a munition factory, for instance, should by common consent agree to strike, would not they have reason to believe that their conduct would interfere with and obstruct the United States in preparing for the war and carrying on the war? In other words, would not that act come within the provisions of this substitute?

Mr. WEBB. Their act would have to be accompanied by willful injury or destruction of some of the property described in the bill. If they committed that sort of act with intent or reasonable ground to believe the act would delay the United States in the prosecution of the war, then they would be guilty under this bill, but the mere fact of a peaceable strike, without some accompanying injury and without intent to injure the United States in the war, would not I think be covered by this bill.

Mr. HAMLIN. The gentleman perhaps is right about that, but the way the substitute is punctuated it would seem to me to stand alone and to be somewhat disconnected from the provision of the substitute which the gentleman has just quoted.

Mr. WEBB. I will say to my friend that in section 2 there are two offenses defined.

Mr. HAMLIN. Are there not three? That is the point I am making. The first is, "whoever shall interfere with intent to injure or obstruct."

Mr. WEBB. Yes.

Mr. HAMLIN. The second is, "Whoever with reason to believe that his act may injure, interfere, or obstruct the United States or associate nations in preparing or carrying on the war," and then the third is, "whoever shall willfully injure or obstruct."

Mr. WEBB. Oh, no. Now, you come to the predicate of that whole sentence—"whoever with intent or with reasonable ground to believe shall destroy," and so forth.

Mr. HAMLIN. That is the point I want to have clear.

Mr. CANNON. Would the gentleman accept or himself offer an amendment which during the war would prevent conspiracies to strike? Evidently there have been conspiracies, especially on the Pacific coast and elsewhere. Would the gentleman object to an amendment or offer an amendment himself—he could do it better than I—that would substantially put upon the statute books the recommendations of the President when we passed the Adamson law and which he repeated in his annual message?

Mr. WEBB. I will say to my friend that that is a tremendous question, as he knows, and I would not undertake to draw an amendment in a moment to cover the question. I imagine that when such bill does come to the House, if it comes at all, that the committee which handled the Adamson law will probably be requested to handle such bill.

Mr. CANNON. But this matter I speak of would not be in conference in the event the House adopts the substitute.

Mr. WEBB. If this bill goes to the Senate, the Senate can add to our substitute, and then both Senate bill and our substitute would be in conference.

Mr. CANNON. Yes; they could agree to our substitute with an amendment.

Mr. WEBB. Yes.

Mr. CANNON. But suppose the Senate does not do that?

Mr. WEBB. Then we have only the House substitute.

Mr. CANNON. Does not the gentleman think it would be well to put in the conference a provision, which could be drafted readily, I think?

Mr. WEBB. I can not tell. I do not know whether that sort of an amendment right now would do more harm than good. These heads of the departments who are in closer touch with the labor situation than I am might be better judges about it. Of course, I do not think labor ought to be permitted to conspire to do anything with intent to injure the conduct of the war.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. DYER. I want to state with reference to the inquiry of the gentleman from Illinois [Mr. CANNON] that I doubt the advisability of attempting to amend this bill with such an amendment. That is too great and too important a matter, and it ought to be very carefully studied. England has enacted a law along the lines suggested by the gentleman from Illinois in the munitions act, and in effect strikes are not permitted there. They must submit their grievances and they are considered by a board of arbitration, and so forth. The matter would have to be very carefully drawn and carefully considered by the committee before it should be brought to the House, and I think it would be unwise to attach it to this bill.

Mr. CANNON. Mr. Speaker, if the gentleman will permit me in his time, as a war measure, during the war, it seems to me that it is vital and patriotic both that that legislation should be enacted.

Mr. WEBB. Of course, as far as I am concerned, I expect the labor people of the country, through their duly elected spokesman—Mr. Gompers—to be loyal to the Government and not to have any useless strikes, or even strikes that appear to be useful, if in so doing the progress of the war will be retarded.

Mr. CANNON. Does the gentleman think that Mr. Gompers has the power to control the I. W. W.?

Mr. WEBB. No; nobody can control them.

Mr. DYER. Shot guns.

Mr. CANNON. Therefore, they have had the power so far to raise hell.

And now it seems to me, as a war measure—I am not going to speak about it as peace legislation—but as a war measure it could not hurt Mr. Gompers's organization whatever he might believe in time of peace should be the legislation, but whether it hurt or not, it seems to me that this legislation should cover everybody who conspires along the line of which I have spoken.

Mr. WEBB. Now, Mr. Speaker, I would be very glad if the gentleman from Minnesota desires to use some time that he do so.

The SPEAKER. The gentleman from North Carolina occupied 25 minutes and the gentleman from Minnesota is entitled to 45 minutes.

Mr. VOLSTEAD. Mr. Speaker, I do not know that there is anything I need add to what has been said. I desire only to call attention in a general way to the character of the bill as it was originally introduced and as the committee modified it. The original bill was much more comprehensive in some respects, in fact it seemed to be broad enough to cover anything in the United States. The committee has modified it by limiting the scope of the bill to those things which are being used more directly by the Government in carrying on the war. The committee also broadened it, as the chairman has called attention to, as to the methods of committing the offenses, and having broadened it so as to comprehend a great many things that were not included in the original bill, it occurred to the committee that it would be necessary to again limit it so that it would not cover too much ground, so we inserted provisions in sections 2 and 3 limiting the same to acts of injury committed with intention to interfere with, obstruct, or delay the war, or to acts where the person committing the injury would have reason to believe that he was obstructing, delaying, or interfering with the war. As amended, I think this act will be so administered that it will only comprehend those things that we ought to reach. Those matters where slight injury is done, should not come under this act. The bill aims to protect docks, bridges, buildings, food, clothing, and almost everything that you can imagine. Now, a slight injury to any of those things would not, as a rule, be punished by this bill because it could not ordinarily be shown that the injury was done with the intention to interfere with the war, nor could it be said that the person would have reason to believe that such slight injury would so interfere. It seems to me that the substitute for the Senate bill submitted here safeguards the individual; he will not be in jeopardy unless he desires to be, and I think the bill is broad enough so that every case where the Government needs protection it can prosecute under this act and secure a conviction.

I think it is true that during this session and the preceding session the administration has been asking for powers that might be abused. I think the committee can justly claim that it has tried honestly to prevent giving the Government such powers. I realize that in a time like this we ought to be careful. Public excitement runs high, and unless there is some protection in the law itself, some clear definition of every offense, men may be convicted and punished in cases where they ought not to be punished. I think, on the whole, the bill is fair and I hope will prove a salutary law.

Mr. STAFFORD. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. STAFFORD. I am having some difficulty in getting the real meaning of the committee in the phraseology contained in section 2, particularly as it may affect the right of action of individual workmen in their right to strike for the improvement of their condition.

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. I am directing my inquiry to the gentleman from Minnesota. Take the wording of the first part of that paragraph, assuming the case of a railroad strike, where the railroad men had done nothing but impede the carriage of munitions of war, including grain that might deteriorate, on the roadway in case they are not hauled, they would undoubtedly under the first clause of section 2 be interfering with the United States in preparing for or carrying on the war. There is no question about that.

Mr. WEBB. If my friend will permit—

Mr. STAFFORD. The next question is whether they will by that act come under the subsequent penal provision as found in lines 13 and 14. Let me read it, having in mind the case of a striker on a railroad committing no overt act in injuring property, but only striking and impeding the carriage of grain or other foods that deteriorate because they are not carried to their destination, to the depots and the posts where they are needed for the support of our Army. Let us read it:

But when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war—

That goes down to line 15, where it goes on to say—

shall willfully injure or destroy—

Of course, he is not willfully injuring anything—

or shall attempt to so injure or destroy any war material, war premises, or war utilities—

Mr. VOLSTEAD. Just a minute.

Mr. STAFFORD. He is attempting to interfere with the war activities and his act of interfering with the transportation of foodstuffs is in effect injuring and destroying them.

Now, why is not the language broad enough to make it a crime under those circumstances for a man to strike and be punished under the phraseology of this section?

Mr. VOLSTEAD. If you will pardon me, that question makes almost a speech.

Mr. STAFFORD. I knew the gentleman was not pressed for time, and I thought I would set forth fully my proposition. If I knew the gentleman had been pressed for time I would have condensed it in two words, perhaps.

Mr. VOLSTEAD. Let me say that a criminal statute ordinarily is construed strictly. We have to-day upon the statute books a law authorizing strikes, permitting them. This bill could not be construed to repeal that statute.

Mr. STAFFORD. If the gentleman will permit me.

Mr. VOLSTEAD. That would remain in force.

Mr. STAFFORD. Will the gentleman permit there?

Mr. VOLSTEAD. Just a minute. Now, the language is not only that a person must intend to obstruct the preparation for war, but he must also injure or destroy certain property.

Mr. STAFFORD. Or attempt—

Mr. VOLSTEAD. Or attempt to injure or destroy certain things. I do not think that last part changes it at all. There must be an attempt to destroy or injure certain property.

Mr. STAFFORD. If the gentleman will permit, what is the natural consequence of a railroad strike, when in the organization of railroad men they determine to leave their employment and leave the freight cars on the tracks, which cars contain food and articles to supply our Army, except that the food and articles become deteriorated so that they can not reach their destination and be of value to the Government?

Mr. VOLSTEAD. That is not their act; that is their failure to act. This requires an act to injure or destroy.

Mr. STAFFORD. This would be construed under this phraseology as an attempt to injure and destroy war material, which would include food.

Mr. VOLSTEAD. If it could be so construed, I would not hesitate a minute to make it the law, as the act would have to be done with intention to interfere with carrying on the war.

Mr. STAFFORD. The gentleman is not hesitating. But the question is how far are we going under this phraseology? What is the real extent of this phraseology when actually applied by our judicial officials?

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. WALSH. Would the gentleman say that if the members of a railroad union struck and left food upon the tracks so that soldiers might starve, they ought not to be punished?

Mr. STAFFORD. I do not say they should not; but I am only pointing out the fact that if your law goes to the extent as worded that they will not be enabled to strike for the improvement of their conditions under this law.

Mr. WALSH. They will not be enabled to strike and interfere with the United States in the conduct of this war, and that is what the language says. The gentleman is an expert in the English language and knows what it says.

Mr. STAFFORD. And, furthermore, another member of the committee, the gentleman from Nebraska [Mr. REAVIS], contended that if a railroad striker would in the strike injure the railroad property without intent to interfere with the war this phraseology would not extend to him. I am presenting a case, and I wish to call it to the attention of the House, that under the phraseology as drawn it would prevent, apparently, any strike whatever where the strikers were engaged in the manufacture or connected with the manufacture of munitions.

Mr. DYER. What is the gentleman's position upon that question that he is asking questions about?

Mr. STAFFORD. I am trying to ascertain from the committee whether they know fully the extent to which the phraseology of the law applies. There is a difference of opinion between members of the committee. I am pointing out a case where I say the law would apply, but the members of the committee say it would not.

Mr. DYER. The gentleman is a very distinguished lawyer, and if he thinks it would apply, would he take it that it changed a law or a subject like this?

Mr. STAFFORD. This bill when it was last considered was punctured by the leader of the minority. It has been thrown upon us here without any time for consideration. The members of the committee differ as to the application of this law.

Mr. WALSH. There is no difference at all.

Mr. STAFFORD. The gentleman from Nebraska [Mr. REAVIS] differed in the construction of the law from the distinguished gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. No; he did not.

Mr. VOLSTEAD. Mr. Speaker, I want to add a few words. I do not think there is any question about this language. It will have to be given a fair and reasonable interpretation, and it seems to me when you give it that it can not mean that a person is guilty because he may neglect to do certain things. He must be guilty of an act, not neglect. He must be charged with willfully injuring or destroying property with a certain intention or with a knowledge that it will result in injury to the Government. Now, the position that the gentleman assumes is that because laborers quit and neglect to do work, therefore they would be guilty. I do not think a criminal statute would ever be construed in any such fashion as that. It is an act that we condemn; it is not neglect. Of course, if men strike, and in that strike destroy or injure property, they would be guilty and ought to be punished. There is not any reason why the mantle of a labor organization should shield them from punishment any more than any other citizen of the United States.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. As I stated before, there is not a Member here on this floor that does not wish to punish that very character of act that the gentleman is referring to, but there are Members here who take a different construction of this bill from what the gentleman and other Members place upon it.

Mr. VOLSTEAD. Mr. Speaker, I reserve the balance of my time.

Mr. GARLAND. I want to ask the gentleman a question.

Mr. VOLSTEAD. Very well.

Mr. GARLAND. What is the actual effect of the language here? Does it not stop the right of railroad men to strike when they are carrying war material?

Mr. VOLSTEAD. I do not think so at all.

Mr. GARLAND. I want to be sure of that. I am not objecting to it.

Mr. VOLSTEAD. I do not think it could ever have such an effect.

Mr. GARLAND. There is a difference of opinion in the committee as to the effect. Let us know.

Mr. VOLSTEAD. We can only give you an opinion. Here is the language. It does provide for an affirmative, a specific act, a willful act. It can only be construed to interfering with labor organizations or strikes if it can be held to condemn omissions to do things. For instance, it is suggested that if you delay food in a train, that food will deteriorate and thus be lost to the soldiers.

Mr. GARLAND. Then it does mean that?

Mr. VOLSTEAD. It does not condemn anything of that kind. I am positive it could not be construed as meaning anything like that. It would not repeal the statute giving a right to strike. Repeals by implication are not favored.

Mr. GARLAND. It stops men from striking when carrying war materials?

Mr. VOLSTEAD. I do not think so.

Mr. SUMNERS. Mr. Speaker, will the gentleman yield? I want to make a suggestion to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. VOLSTEAD. Yes.

Mr. SUMNERS. Under this section the gist of the offense would be the destruction of war material, willfully injuring or destroying war material. That would have to be proved in the event the Government sought a conviction, and the Government would have to go further than that and prove that the destruction was with the intent and purpose to injure the United States or some nation engaged with it in this war. Two things: First, the willful destruction or attempt to destroy war materials; second, that that attempt was made with the deliberate purpose to injure this Government or one of its allies engaged in this war. That is all that is in the section, and that is in the section.

The SPEAKER pro tempore. Does the gentleman from Minnesota desire to use some time?

Mr. VOLSTEAD. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Chairman, there seems to be a difference of opinion among the members of the committee as to just what this proposed substitute means. It has been a long time since I practiced law on a country circuit, 40 years plus, so that I do not know that my opinion as to what this bill means is of much account to myself or much account to the House.

But I will tell you what I would like to see done. I would like to see carried out President Wilson's recommendations when he addressed Congress on the Adamson bill, for which I voted, for that part that was then vital, with the crops ready to move, when I believed there would be a tie-up of the great terminals that would be disastrous. I doubt if I would have voted for it if it had not been for all of the recommendations in his address, which I had the right to believe would be enacted into law when the Congress met in December.

Now, I have never gotten along very well with Samuel Gompers. I agree with him in some things and I disagree with him in others. But it seems to me as a war measure he and every other patriotic citizen ought to agree upon this proposition—I will not say as peace legislation, because I know that he would not agree with me, touching peace legislation—but for war legislation I believe this or some other similar bill ought to be enacted that would render it unlawful, pending disagreement during the war, to interfere with production or transportation in American bottoms on the sea or on the railroads in the United States, on the farm, in a munition factory; that whoever conspired—mind you, now, not whoever refused to work as individuals, but whoever conspired—to obstruct the Government in the conduct of the war should be guilty of a crime.

Why, think of it! We draft the men and send them into the trenches, our citizens. They have got to have food, they have got to have munitions, with all that that means. They have got to have clothing, and they depend upon the people, their fellow citizens, to give them all that is necessary, and they do that without regard to the hours of labor. My God, if there should be a proposition that they should not fight for more than eight hours, they would be absolutely of no account in the event they were attacked or in the event they were attacking the enemy.

Now, whoever conspires to strike in an iron mine, or in a coal mine, or in a copper mine, or in a zinc mine, or in a factory; or whoever strikes where there is production of food; whoever strikes where it is necessary to have transportation, and does it by virtue of a conspiracy, he ought to be guilty of a crime.

As I had occasion to say formerly, a chain is no stronger than its weakest link. Now, then, if this legislation is broad enough to cover the people, over 100,000,000 of them, that have organized an army and sent it into the trenches and that have constructed railroads and set them in operation and have

constructed ships and put them upon the sea—if it is broad enough to cover all the balance of us in giving them proper protection and proper support to enable them to be efficient in war, why, then, I am for the bill, and whoever is not in favor of just what I have spoken all along the line, to cover every one of 100,000,000 people during the continuance of this war, in my opinion is not a good citizen, and, if necessary, I would vote for legislation to punish him if he or they violate the law. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD]. a member of the committee.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for five minutes.

Mr. GARD. Mr. Speaker, this is essentially a matter of war legislation. In answer to the inquiries of the gentlemen from Pennsylvania, Wisconsin, and Illinois, I beg leave for a few moments to call attention to certain existing laws and what this law seeks to put in their place.

Section 1668 of the present Revised Statutes provides a penalty for anyone who procures or entices any artificer or workman retained or employed in any arsenal or armory from leaving his work or to avoid or to break any contract he has for the performance of labor with and for the United States. Section 1669, the following section, provides a penalty for any workman who willfully and obstinately refuses to perform work assigned to him or who willfully and obstinately breaks a tool or any material used by him in the manufacture of Government work. These are the laws which have been enacted in times of peace. The committee substitute deals with the assemblage of the powers of the United States in three branches: First, war material; second, war buildings; and, third, war utilities; and it assembles these things, whether they be owned by the United States or by a private individual. Any building wherever war material is being made, even though privately owned, is under this committee substitute "war premises." It is, as I say, essentially a matter of war legislation, for it is an assemblage under the control and protection of the Government of things which are thought necessary for the continuance and perpetuity of the national life. Therefore, to the centralized power of the Government of all of the States—not in time of peace, but in time of war—is intrusted the protection of war materials, of war premises, and of war utilities. There is no doubt but that this bill covers a willful attack with intent to injure the United States in the destruction of material in any privately owned building.

There is equally no doubt under this bill that it applies not alone to the United States but to the associate nations, and by "associate nations" we say in this committee substitute any nation at war with any nation with which the United States is at war. So that this bill seeks to protect with all of the power of the United States the things which are necessary for the winning of this war by the United States and its associate nations.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. JOHNSON of Washington. I did not get the citation of the gentleman at the beginning of his remarks.

Mr. GARD. I referred to two sections, one section 1668 and the other section 1669 of the Revised Statutes. These are statutes essential in time of peace.

Mr. JOHNSON of Washington. Those are Federal statutes?

Mr. GARD. Yes.

Mr. JOHNSON of Washington. I understood the gentleman to say Ohio.

Mr. GARD. No; they are Federal statutes. They are essentially peace statutes, and this is equally as essentially a war measure. I do not think there can be any reason by which you can read anything into this law other than the very vital and controlling principles which appear on line 13 of page 3, for the crime which is carried all through this bill is willfully injuring or destroying or attempting to so injure or destroy any war material, war premises, or war utility.

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. GARD. Yes.

Mr. COX. I am very much in sympathy with what the gentleman from Illinois [Mr. CANNON] said a moment ago, and I want the gentleman's opinion on section 2 of the bill, as to whether it would be broad enough to cover the cases suggested by the gentleman from Illinois, where men conspire to strike and to quit, and things like that, which would bring production

to a standstill. Of course, that is destroying the power of the Government.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. COX. Mr. Speaker, I ask unanimous consent that the gentleman be given five minutes more.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] has control of the time.

Mr. WEBB. I can yield the gentleman one more minute for the question, but I have promised all of the time allotted to me. Will the gentleman from Minnesota yield me five minutes?

Mr. VOLSTEAD. Yes.

Mr. WEBB. Then I yield five minutes more to the gentleman from Ohio.

Mr. COX. Is the language in section 2 or 3 of this bill broad enough to cover cases of that kind?

Mr. GARD. Mr. Speaker, I am frank to say to the gentleman from Indiana, and likewise in answer to the suggestion or inquiry of the gentleman from Illinois [Mr. CANNON], that I do not think the language of section 2 would apply to a condition of conspiracy, or to any attempt by inaction, by not doing something to create the condition of which the gentleman speaks, and of which the gentleman from Illinois has spoken. The language of the bill in section 2, and it follows its meaning all through the bill, is that whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall do what? "Shall willfully injure or destroy or shall attempt to so injure or destroy." That is the crime—that he shall willfully injure or destroy any war material, war premises, or war utilities. I think the only construction which can be given to this law as it is presented by this committee substitute is that something must have been actively done by which one willfully and with intent to injure, interfere with, or obstruct the United States does something to injure or destroy or attempts to injure or destroy. I do not believe that the mere fact that one leaves a work, though essential to the Government, however wrong it may be from a moral standpoint, however it may be lacking in patriotism, would come within this law. In other words, I want to insist that my opinion of this statutory language as at present suggested is that it means some willful act must have been done or attempted to be done which would destroy or injure war materials, war premises, or war utilities.

Mr. COX. Does not the gentleman think it ought to be broad enough to cover that case?

Mr. GARD. I think it the primary duty of the people to-day, whether it is labor in the field or the shop or the shipyard, to labor for one thing, and that one thing is the winning of this war. I do not believe it should be obstructed or interfered with either by open act or by conspiracy. But so far as this act is concerned, it establishes a regulation of two things: First, the destruction of property; and, second, it goes beyond section 1669 of the Revised Statutes and creates a new act that when the United States is at war, one who willfully makes or causes to be made in a defective manner any war material—for instance, who willfully makes an engine for a submarine with a faulty cylinder, or one who willfully makes a defective gun barrel, or one who willfully puts weak material into the planes for an aeroplane—any man who does it willfully with the intent to interfere with and obstruct the United States in its conduct of the war, is held to be guilty of a crime. It is a crime essentially of war time and made necessary because of war conditions.

Mr. CANNON. Will the gentleman yield?

Mr. GARD. Surely.

Mr. CANNON. The gentleman says this is a war measure?

Mr. GARD. It is; it has no application except in time of war.

Mr. CANNON. What would the gentleman say to this amendment: In line 8, section 2, after the word "injure," insert the words "by conspiracy or otherwise to"? It seems to me that would cover the whole shooting match.

Mr. GARD. The objection I would have to that—and my objection is a legal one—my objection is that that should be added to the present conspiracy statutes which the United States already has.

Mr. CANNON. But we are not liable to get that. It would be legal to insert those words and have it enacted into law during the war, and it would prevent conspiracy to destroy production.

Mr. GARD. I see nothing against the legality.

Mr. WEBB. Let me say that it is a crime now under the general law of the United States to conspire to violate any United States statute. When this bill passes it will be a crime to conspire to violate any act prohibited by it.

Mr. CANNON. I do not know about that, but I will test the sense of the House and offer the amendment.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY], a member of the committee.

Mr. CARAWAY. Mr. Speaker, I did not at first desire to discuss the bill. I want to do so now to answer the suggestion of some gentlemen on the Republican side of the Chamber that this is an act that could be construed to prohibit strikes. If gentlemen will bear with me one minute, I wish to point out its real intent. There are three sections in the proposed act. The first deals wholly with definitions, undertaking to define what it is that the act declares shall be a crime if they be destroyed with intent to injure the United States in times of war. Section 2 and section 3 are the penal provisions of the act. They give to the Federal courts in time of war power to punish willful and malicious acts. That is all. Under a penal statute "willful" means an act done with wrongful intent or a bad motive. Therefore, a conspiracy is not touched in this act at all, nor is the right to strike interfered with. The proposed act provides "that if anyone shall willfully, with intent to injure property or interfere with the conduct of the war, destroy or attempt to destroy property." That is the only offense. It does not say that a man shall work or he can not work. Intent or knowledge is the essence of the act. If he accidentally or unintentionally injures property he is not guilty of an offense. But if he willfully, with a wrongful intent, does something that in its nature is calculated to interfere with the waging of the war by destroying property of the United States or property that has already been designed or intended for or set aside for the use of the United States in waging the war, he is guilty. That is all.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. MILLER of Minnesota. Does the gentleman think it ought to be extended so as to include ships?

Mr. CARAWAY. Absolutely no. This bill is not intended to affect workmen in their relation to the Government. Whether Congress should undertake to conscript labor is a question which we are not now considering. Some people think we should. That is the only way you could keep anybody from striking, because the Constitution says you can not make a man work if he wants to quit unless as a punishment for crime. Congress has not the power to say you shall not strike.

Mr. MILLER of Minnesota. I am anxious to get the gentleman's opinion on this: Congress could not, and I do not think it ever should, tell a man that he can not quit work if he wants to, but Congress could properly say that a man should be guilty if he tries to organize his fellow workers for the purpose of bringing on a general cessation of work?

Mr. CARAWAY. That could be done.

Mr. MEEKER. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. MEEKER. Suppose, for illustration, there is a strike, and incidental to the strike trouble that is going on war materials are destroyed. Would this bill reach that case?

Mr. CARAWAY. Incidental may mean anything. If a man incidentally destroys property in his pursuit of a lawful end in a lawful manner as an incident of the strike, he is not guilty, but if in asserting his right to strike he should willfully and intentionally destroy property that was necessary for the Government to carry on this work he would fall within the provisions of this bill, and be punished under it.

Mr. REAVIS. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. REAVIS. Does not the bill go a little bit further than that? One of the provisions does not require intent on the part of the acting party to injure the United States, but if he destroys or attempts to destroy property that he has reasonable cause to believe would injure the United States—

Mr. CARAWAY. Of course.

Mr. REAVIS. No matter what his intent was, his intent might be to injure the railroad company or to get even with some enemy, but acting under that intent if he has reasonable cause to believe that the consequences of his act are an injury to the United States he comes under the provisions of the bill?

Mr. CARAWAY. Of course.

Mr. MILLER of Minnesota. Is that so?

Mr. CARAWAY. That is in the provisions of the bill.

Mr. MILLER of Minnesota. I can not find the language, and I would like to have it pointed out.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes additional.

Mr. IGOE. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes.

Mr. MILLER of Minnesota. I certainly hope the gentleman will have it, because I used a part of his time.

The SPEAKER pro tempore. This is Calendar Wednesday, and the time is regulated automatically by the rules of the House.

Mr. WEBB. Mr. Speaker, maybe I can straighten out the matter. I ask how much time the gentleman from Minnesota has.

Mr. VOLSTEAD. Eighteen minutes, I think.

Mr. MILLER of Minnesota. Could I have some of that time?

The SPEAKER pro tempore. The gentleman from Minnesota has 18 minutes left and the gentleman from North Carolina 10 minutes.

Mr. KEATING. Mr. Speaker, I desire to make a point of order that there is no quorum present.

Mr. WEBB. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas, as I have 10 minutes.

The SPEAKER pro tempore. But the gentleman from Colorado makes a point of order that there is no quorum present. Does the gentleman insist upon his point of order?

Mr. KEATING. Yes; I think the matter is of such importance that the Members of the House should hear the discussion.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. WEBB. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Austin	Doelling	Kehoe	Saunders, Va.
Bland	Drukker	Kennedy, R. I.	Scott, Pa.
Brand	Dunn	Kraus	Scully
Britten	Eagle	Kreider	Sells
Byrnes, S. C.	Fairchild, B. L.	LaGuardia	Shallenberger
Campbell, Pa.	Fairchild, G. W.	Lehlbach	Sims
Cantrill	Ferris	Lenroot	Sinnott
Capstick	Foss	Lever	Small
Carew	Freeman	McClintic	Snell
Carter, Mass.	Godwin, N. C.	McCormick	Steele
Carter, Okla.	Graham, Pa.	McCulloch	Stephens, Nebr.
Clark, Fla.	Gray, Ala.	McLaughlin, Pa.	Stevenson
Clark, Pa.	Greene, Mass.	Maher	Stiness
Claypool	Griest	Mann	Strong
Coady	Hamill	Mapes	Sullivan
Cooper, Ohio	Hamilton, N. Y.	Mason	Taylor, Colo.
Cooper, W. Va.	Harrison, Va.	Pou	Templeton
Copley	Haskell	Powers	Tinkham
Costello	Heintz	Pratt	Van Dyke
Crisp	Helvering	Price	Vare
Curry, Cal.	Hilliard	Ragsdale	Vestal
Davidson	Hollingsworth	Riordan	Watson, Pa.
Davis	Hood	Robinson	Weaver
Dempsey	Husted	Rodenberg	Wilson, La.
Denton	Johnson, S. Dak.	Rowland	Wilson, Tex.
Dewalt	Jones, Tex.	Rucker	Winslow
Dies	Kahn	R Sanford	

The SPEAKER pro tempore. Three hundred and twenty-two Members have answered to their names, a quorum.

Mr. WEBB. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY], who had not completed his statement.

Mr. CARAWAY. Mr. Speaker, I want merely to supplement what I said rather imperfectly. I undertook to say that this bill did not deal with labor nor labor disturbances at all. It undertook to make a penal offense where anyone willfully destroyed or undertook to destroy certain properties, if he had the intent to destroy the property to injure the Government or had reasonable information to believe that his act would interfere with the prosecution of the war. Broadly speaking, it merely gives to the Federal courts the power to punish malicious mischief; that is all. The gentleman from Illinois [Mr. CANNON] undertook to inject in it a minute ago the suggestion for an amendment which would punish conspirators and strikers. Now, the general law has a provision that punishes people who conspire to commit an act that is made a crime by statute, so therefore the only effect, if the amendment of the gentleman from Illinois should be adopted and made a part of this bill, under the language as it is now drafted, would be to prevent people from conspiring to strike because there is a law on the statute books now that would punish them for conspiring to do an unlawful act, and it will be an unlawful act if this becomes a law if they

undertake to destroy or try to destroy certain properties designated in this bill. Therefore I am inclined to believe that anyone who stops to consider will see that the suggested amendment has no standing in this particular bill.

We are not dealing with labor troubles. We are undertaking, as I said, to extend the jurisdiction of the Federal court to punish malicious mischief. In section 2, which is the first penal section, we say:

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities as herein defined.

Now, that is the penal part of section 2, namely, where he destroys or attempts to destroy, with the intent to injure or with knowledge that the destruction may injure the United States in preparing for or carrying on the war, the things that are defined in section 1 as war utensils or war materials, and nothing else.

Section 3 makes it a crime where a workingman, dealing with war materials or with war utensils as herein defined, shall make, willfully and intentionally, these things defectively. The intent to do wrong, the intent to injure, or with the knowledge that it may injure, must always be present if there is any crime.

Now, I hope after reading it that any gentleman will see we are not dealing with the labor situation at all; not undertaking to say that men shall or shall not strike. We are not preparing a statute dealing with conspiracies, but with acts themselves; and therefore the suggested amendment of the gentleman from Illinois [Mr. CANNON] is wholly out of place in this act, and I do not think anyone who has read the bill with care and who is in sympathy with the legislation can afford to inject that question in this bill now. If Congress should deal—and I am not saying it should—with labor conditions, it ought to be in a bill prepared for that specific purpose.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. JOHNSON of Washington. Would this section 3 of this bill be likely to deal with sabotage as practiced by men who are destroying material or articles, and would it deal probably with the slowing up of labor in munition plants?

Mr. CARAWAY. It would not. It must be a willful act to injure or hinder the Government in waging war. We have laws now on the books to meet the other situation.

Mr. JOHNSON of Washington. That might be sabotage.

Mr. CARAWAY. It is the workman himself who makes in a defective manner the tool he is manufacturing for the Government we here deal with, where the defect is with a willful intent to injure the Government.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker and gentlemen of the House, this is a very drastic bill and one that ought to command the attention of the Members because of that fact and because of its importance. We all realize and understand that were we not at war such a bill would not be considered by Congress at all. These provisions that this bill affects, and for which it would punish, are all now taken care of by States. There are laws in every State that prohibit in effect everything that is covered by this bill. Congress with its war powers feels that it is important that this legislation should be considered and enacted. I believe, gentlemen, that it should be, and that there should not be any amendment made to this bill such as has been suggested by several gentlemen.

The gentleman from Wisconsin [Mr. STAFFORD], by an inquiry, endeavored to lead to the belief that this bill would affect labor organizations, and that it would prevent strikes and combinations of men along that line. This bill, if enacted into law, would cover anyone who violated its provisions. If a laboring man in a factory where munitions were made and assembled, and so forth, should do anything with reference to destroying or making ineffective the machinery of the war, he would be amenable to it. But to say that the mere striking or his refusal to work would be punishable by this bill if enacted into law is, in my opinion, not so. There has been some discussion in this country as to the possible necessity of enacting a law to prevent strikes without first submitting the matter to arbitration. That law, if enacted by this Congress, should, as has been suggested by my colleague on the committee, the gentleman from Arkansas [Mr. CARAWAY], be considered by a committee with due deliberation and consideration. Other countries that are engaged in this war have enacted legislation somewhat similar to

the suggestion made by the gentleman from Illinois, the distinguished ex-Speaker [Mr. CANNON], and others. The munitions-of-war act of Great Britain provides that it is unlawful for anyone to take part in a lockout or in a strike in connection with any difference, and where war munitions are being made, and so forth, unless the differences have first been reported to the board of trade and 21 days have elapsed since the date of the report and the difference has not during that time been referred by the board of trade for settlement in accordance with the act. That is the law in Great Britain. That would be the proper way to take up this question regarding labor.

Mr. COX. Will the gentleman yield?

Mr. DYER. I yield to the gentleman.

Mr. COX. For information only. As I understand it, the proposed bill is a war bill, pure and simple. Now, there is a statute in force against conspiracy—

Mr. DYER. Yes.

Mr. COX. Is there any statute in force now in this country making it unlawful for men to strike?

Mr. DYER. There is none that I know of.

Mr. COX. I understood some one in the course of this discussion to say there was a statute in force making it a criminal offense to strike; and if this bill should become a law, would that law that is now on the statute books be affected?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DYER. Will the gentleman yield me one minute more?

Mr. VOLSTEAD. I yield.

Mr. REAVIS. In answer to the gentleman from Indiana [Mr. Cox], the suggestion, as I remember it, was this, that there is a statute making conspiracy to destroy property a crime.

Mr. DYER. But not to strike.

Mr. REAVIS. Or a conspiracy to violate law a crime. If this bill is enacted into law, then a conspiracy to do the acts prohibited by this act would come under it.

Mr. COX. Is that a dead letter until this becomes a law?

Mr. REAVIS. It is not, for this reason, namely, that this is not the only offense prescribed by statute.

Mr. COX. Would this be an enabling act to the law now in force?

Mr. REAVIS. There is a statute making conspiracy to destroy property an offense.

Mr. DYER. But not to strike.

Mr. REAVIS. Not to strike.

Mr. JOHNSON of Washington. But is there not always a misunderstanding where that law acts, as compared with where the State laws act, with regard to conspiracy to destroy property?

Mr. DYER. Mr. Speaker, the provisions of the munitions-of-war act, 1915, of Great Britain, to which I have referred, are as follows:

2. (1) An employer shall not declare, cause, or take part in a lock-out, and a person employed shall not take part in a strike, in connection with any difference to which this part of this act applies, unless the difference has been reported to the board of trade and 21 days have elapsed since the date of the report, and the difference has not during that time been referred by the board of trade for settlement in accordance with this act.

(2) If any person acts in contravention of this section, he shall be guilty of an offense under this act.

14. (1) Any person guilty of an offense under this act—

(b) Shall, if the offense is a contravention of the provisions of this act with respect to the prevention of lockouts, be liable to a fine not exceeding £5, in respect of each man locked out, for each day or part of a day during which the contravention continues; and

(c) Shall, if the offense is a contravention of the provisions of this act with respect to the prohibition of strikes, be liable to a fine not exceeding £5 for each day or part of a day during which the contravention continues; and

19. In this act, unless the context otherwise requires—

(a) The expression "lockout" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment.

(b) The expression "strike" means the cessation of work by a body of persons employed acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.

Mr. REAVIS. Now, then, if this bill is enacted into law, making the acts prohibited an offense, and people conspire to commit those acts but do not commit them, they are amenable to the conspiracy law, but not under this act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for five minutes.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, there is a law now on the statute books making a criminal offense of many of the things forbidden or prohibited in the measure we are now considering, and it occurs to me that there may be confusion if this bill also should become a law. The food-control act, as it is known, approved August 10 last, makes it unlawful to destroy any necessities, and "necessaries" in that act are described as food, feed, fuel, including fuel oil, gas, and implements and machinery required in the production of any of these things. Those are all war materials as they are described by other words in this bill, and punishment is provided for the violation of that act. A fine not exceeding \$5,000 may be imposed, or imprisonment for not more than two years, or both. There might be a conflict between that law and this one.

Mr. GARD. Mr. Speaker, will the gentleman yield in that connection?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GARD. Such destruction is only for the purpose of enhancing prices.

Mr. McLAUGHLIN of Michigan. Not that alone. The law provides punishment for destroying "necessaries" in order to reduce the supply or enhance the price.

Now, as to the offense described in this bill, in my judgment the offense is better described in the food-control bill. This bill makes it an offense if one destroys property that he knows is "intended to be used by the United States" in its different activities in carrying on the war. Also, it is made an offense, and must be established in the trial, that one has "reason to believe" that these articles—naming them—are to be used by the Government or are useful in certain respects connected with the war.

We studied a long time, Mr. Speaker, when we were framing the food-control act to find the best words to be used in setting forth the offense connected with the waste and destruction of food and other "necessaries," and it seemed to us that the words that would best fit the situation were the words used in this statute, "in order to reduce the supply or enhance the price."

Now, the idea that we are trying to reach in this bill is to prevent the destruction of goods of one kind and another, so that the supply may not be decreased, and it seems to me that it would be easier to establish the guilt and to secure conviction if one charged with the offense of destroying property with intent to reduce the supply thereof than if he were charged and proof must be made in accordance with this bill as it is now worded. It will be difficult to establish the fact that the man charged with the crime knew that these goods were "intended for the use" of the United States or that he "had reason to believe" that they were necessary for use by the Government in carrying on the war, and so forth.

I simply call the attention of the House to the fact that there is already on the books a law, broad in its provisions, treating with much of the same matter that is treated in this bill, and that there may be confusion, and that, in my judgment, the words used in the food-control bill, some of them, are better than are the words used in the pending measure. I suggest these matters to the careful consideration of those who have this bill in charge.

I wish to call attention to another section of the food-control act—section 9 of that act. It forbids and provides punishment for conspiracies practically as follows:

That any person who conspires, combines, agrees, or arranges with any other person to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any "necessaries"; to restrict the supply of any necessities; to restrict the distribution of any necessities; to prevent, limit, or lessen the manufacture or production of necessities, and so forth, shall upon conviction thereof be fined not exceeding \$10,000 or be imprisoned for not more than two years, and so forth.

Here is an act for the punishment of conspiracies in relation to many of the things with which the bill we are now considering deals. This portion of the bill is not necessary, and the rest of it, whatever may be necessary or proper, ought to be in better form. Many of the things described in this bill are the identical things described as "necessaries" in the food act, and it is certainly not necessary or proper to enact another law for the punishment, as this bill seeks to do, of those who would combine or conspire to destroy or prevent or interfere with the production of all these things.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired. The gentleman from Minnesota [Mr.

VOLSTEAD] has seven minutes remaining, and the gentleman from North Carolina [Mr. WEBB] has five.

Mr. WEBB. Through an arrangement with Mr. WALSH, he kindly yield to me five minutes given to him by the gentleman from Minnesota.

The SPEAKER pro tempore. The gentleman has five minutes remaining, counting that. Some gentleman who was on the floor, I think the gentleman from Ohio [Mr. GARD], was permitted to go on for five minutes after the gentleman had yielded five minutes. It was deducted from the time of the gentleman from Minnesota and credited to the time of the gentleman from North Carolina. The gentleman from Minnesota has now seven minutes left, and the gentleman from North Carolina has five.

Mr. WEBB. I yield five minutes to the gentleman from Missouri [Mr. IGOE], a member of the committee.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for five minutes.

Mr. IGOE. Mr. Speaker, I am in favor of the substitute offered by the committee. There seems to be some confusion, however, in regard to the purposes of the bill. It was introduced in April a year ago at the suggestion of the Department of Justice, and passed the Senate and was reported to the House. After some discussion in the House the bill was thought to be too drastic and was again taken up by the committee, and a substitute has been reported after the Attorney General had urged the necessity of some additional legislation.

As the bill came from the Senate a year ago, almost, it provided only for the punishment of offenses as the result of the use of explosives or by fire or by violent means. As the bill is now reported, it relates to any injury willfully inflicted. The bill, as I understand it—and I am sure that that is the purpose of the bill—is to make a Federal offense of what is now a State offense in the States for willful and malicious destruction of property.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. IGOE. Yes.

Mr. KEARNS. What law of any State does the gentleman recall at this time that would include the offenses enumerated in section 3 of the bill as to making defective ammunition and the like? Where is there any State law providing against that?

Mr. IGOE. I speak of section 2. I do not know of any State law that relates to the provisions of section 3.

Mr. KEARNS. I am not objecting. I think the law ought to pass.

Mr. IGOE. Mr. Speaker, I hope that the Members of the House will not inject into this bill the labor question. It has no place in this bill. It was not considered by the committee. There is no question in this country or any of the nations that are at war more far-reaching and important than that very question, and it is not proper and it is not statesmanlike to propose a bill or an amendment, in a few minutes without proper consideration, affecting that very important and far-reaching question.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. IGOE. I do.

Mr. COX. Has the gentleman any bill before his committee that would deal with this labor problem?

Mr. IGOE. No. The gentleman's committee, so far as I know, has not suggested a bill. But I do know this, that the President of the United States and the Cabinet have been dealing with that question and considering it almost from the day this war began.

Mr. COX. I know; but they deal with it one day and apparently settle it to-day, and it breaks out again to-morrow worse than ever. Can we not get some law that would take hold of that bunch of men?

Mr. IGOE. The trouble is that the gentleman is trying to settle in two minutes on this floor by devising an amendment a question that the President and all the nations at war have not been able to settle thus far.

Mr. COX. Something ought to be done.

Mr. IGOE. The gentleman is trying to make an amendment to prevent men from going on a strike. If his amendment were adopted, it would be an offense to say that the farmers shall not plant wheat because they can get more for corn.

Mr. COX. Ought it not to be?

Mr. IGOE. That would be diminishing the supply. I am not prepared to say what we will be called upon to do, but I do say that whatever we do ought to be done only after mature and careful consideration and consultation with the people affected by the legislation. [Applause.]

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. IGOE. I do.

Mr. CANNON. Would the gentleman think it wise to provide that the boys in the Army might conspire?

Mr. IGOE. That has been provided against by the rules of war which have been in force for hundreds of years, and everybody knows that.

Mr. COX. If the boys in the Army conspired they would be court-martialed and shot.

Mr. CANNON. Will the gentleman permit another question?

Mr. IGOE. Yes.

Mr. CANNON. Is it not more important, or equally important, that the boys shall be clothed and fed and armed? [Applause.]

Mr. IGOE. I agree with that, and we are all for doing that, but I venture to say that if you undertake to put a brand upon every laboring man and every farmer in the United States, without giving him a chance to be heard, without consulting with him, you are going to run up against a condition that in the end will be worse than the condition that the gentleman sees now.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield for a question?

Mr. IGOE. I do.

Mr. McLAUGHLIN of Michigan. There is a law on the books now, passed last August, against conspiracies, combinations, and agreements or arrangements, and that law includes farming—a law against the destruction of foodstuffs or any of the necessities of life.

Mr. IGOE. Can not an individual farmer now say, "I am not satisfied with the price of wheat and I will grow corn," and if he chooses to do so can you now prevent it?

Mr. McLAUGHLIN of Michigan. An individual farmer can not make a conspiracy, but two farmers together can make a conspiracy.

Mr. IGOE. These gentlemen are not trying to reach conspiracies. They would reach the individual, because, under the bill it is provided that no individual may do certain things. There is a law now, as the gentleman knows, against conspiracy, under which if men combine to do things which are denounced in this act they may be punished as for a conspiracy. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I hope very much that the House will not adopt this amendment offered by my distinguished friend from Illinois, if he means to include strikes. It is certainly too short a time in which to handle such a stupendous and important question. Whatever our personal feeling may be about the man who strikes, it is a very dangerous thing to legislate upon that with as little consideration as we are able to give it here. Besides that, the amendment that the gentleman offers does not cover the ground which he wants to cover. He wants to insert after the word "injury," in line 8, page 3, the words "by conspiracy or otherwise." That would mean that if anybody through a conspiracy injures or destroys Government property he will be guilty of a crime under the act. That adds nothing at all to the bill and is absolutely useless and unnecessary.

The SPEAKER. The time of the gentleman has expired.

Mr. WEBB. I understood I had five minutes from the gentleman from Minnesota.

The SPEAKER. It was all used up by the gentleman from Missouri.

Mr. VOLSTEAD. I have two minutes, and I yield those two minutes to the gentleman.

Mr. CANNON. I ask unanimous consent that the time may be extended five minutes, to go to the gentleman from North Carolina [Mr. WEBB].

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time be extended five minutes, to go to the gentleman from North Carolina [Mr. WEBB]. Is there objection?

There was no objection.

Mr. WEBB. Let me finish this statement, Mr. Speaker.

Mr. CANNON. Now, will the gentleman yield to me?

Mr. WEBB. When I finish this statement.

Mr. CANNON. I wanted to give the gentleman the amendment that I propose to offer.

Mr. WEBB. Let me finish my statement about the amendment.

Mr. CANNON. I have not offered any amendment yet.

Mr. WEBB. I yield to the gentleman, of course.

Mr. CANNON. If the gentleman will take the House substitute and turn to page 3, line 15, I propose, after the word "defined" to insert:

or shall conspire to prevent the erection or production of such war premises, war material, or war utilities.

Mr. WEBB. Mr. Speaker, I do not think that amendment is germane. We are dealing above, in that same section, with persons who with intent to delay the progress of the war injure or destroy something. I do not think the amendment is germane.

The SPEAKER. The Chair will decide that when he gets to it.

Mr. WEBB. Now, the gentleman offers an amendment making it an additional crime to conspire—not to prevent an overt act but just simply to conspire to do something without denouncing the act. It does not require that a man shall do something, but just a mere conspiracy behind closed doors would make it a crime under this statute.

Mr. REAVIS. Will the gentleman yield?

Mr. WEBB. I yield to my friend from Nebraska; yes.

Mr. REAVIS. It is existing law now that a conspiracy to offend against the law of the United States is an offense. If this bill is enacted and becomes a law, will not a conspiracy to perform the act prohibited by this bill be punishable under the conspiracy act?

Mr. WEBB. I will say to my friend, as I said a while ago, that section 37 of the criminal code provides that if two or more persons conspire to commit any offense against the United States, and so forth, he is guilty of a crime. So if this bill is passed as we recommend in the substitute, then a conspiracy to commit any of the offenses denounced in the bill will be a crime. I know what my friend wants, but it is rather difficult to accomplish unless you simply pass a bill absolutely forbidding laboring men to strike; but that is too big and broad a question at present to handle in this summary way. I am afraid the adoption of the gentleman's amendment would probably delay the passage of the bill, which we do think is so important at this time.

Mr. VOLSTEAD. I yield two minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. I understood a moment ago that the gentleman from Minnesota had agreed to yield to me the remainder of his time.

Mr. VOLSTEAD. That is it—two minutes.

Mr. WEBB. I do not care for that, Mr. Speaker, and I ask for a vote.

The SPEAKER. The Clerk will read the bill for amendment. The Clerk began the reading of the bill.

The SPEAKER. Is there any amendment pending?

Mr. WEBB. The committee substitute for the House bill, and no other.

Mr. COX. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COX. Will amendments be offered to the committee substitute or to the Senate bill?

Mr. STAFFORD. I suggest that the committee substitute for the Senate bill be read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

A bill to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes.

Be it enacted, etc., That the words "war material," as used herein, shall include arms, ammunition, clothing, food, supplies, stores, and all other articles of whatever description intended to be used by the United States, or any associate nation, in connection with the conduct of the war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, wherein or whereby such war material or any troops of the United States, or of any associate nation, are being or about to be transported, either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings whereby or in connection with which water or gas is being furnished to the military or naval forces of the United States or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to the military or naval forces of the United States or any associate nation.

The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

Mr. WEBB. Mr. Speaker, before moving the previous question I desire to yield ample time to gentlemen who have amendments to offer to discuss them.

Mr. COX. I have an amendment to offer.

Mr. CANNON. Mr. Speaker, I offer the following amendment.

Mr. WEBB. Mr. Speaker, I would like to get an agreement. I desire to yield five minutes to the gentleman from Illinois [Mr. CANNON] and five minutes to the gentleman from Indiana [Mr. Cox].

The SPEAKER. The trouble is that the gentleman has no time to yield.

Mr. WEBB. I can move the previous question, but I do not want to do so until gentlemen discuss their amendments.

The SPEAKER. Has the gentleman from North Carolina any proposition to make?

Mr. WEBB. I ask unanimous consent that each amendment offered shall be debated five minutes, and after that time the previous question on the substitute and bill shall be considered as ordered.

Mr. JOHNSON of Washington. Reserving the right to object, does the gentleman mean five minutes, pro and con?

Mr. WEBB. Yes.

Mr. CANNON. I think the gentleman had better postpone that temporarily; it may be that we will want a little more time.

Mr. WEBB. I would have no objection to that if I could get an understanding as to time. I want to state that once I got caught in this condition. I had a bill to which there was no objection, and a Member got the floor and talked an hour.

The SPEAKER. Any Member who gets the floor under the general rules of the House has a right to take an hour if he wants it. If the gentleman asks to proceed under the five-minute rule as it is conducted in Committee of the Whole, the Chair will put that request.

Mr. WEBB. I think that is fair. I ask unanimous consent that on each amendment there may be five minutes for the proponents and five minutes in opposition.

Mr. CANNON. There may be amendments to an amendment. But, Mr. Speaker, I believe that the committee will be liberal in this matter.

Mr. WEBB. I will say that I will. Mr. Speaker, I ask unanimous consent to consider the bill under the five-minute rule.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider amendments to this bill under the five-minute rule as used in Committee of the Whole House on the state of the Union. Is there objection?

Mr. GRAHAM of Illinois. Reserving the right to object, does that include pro forma amendments?

Mr. WEBB. It includes anything germane or appropriate under the five-minute rule of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Page 2, line 15, after the word "defined," insert "or shall conspire to prevent the erection or production of such war premises, war materials, or war utilities."

Mr. CANNON. Mr. Speaker, I hoped that the gentleman from North Carolina would accept the amendment. Does it add anything to the law? Some gentlemen have said that it does not add anything to it. If so, it can do no hurt.

Mr. WEBB. I make the statement, if the gentleman will permit, that his amendment punishes conspiracy without any overt act. The gentleman has not made the matter he speaks of in his amendment—that is, the prevention of the erection or production, and so forth—a crime. He undertakes to punish a man who conspires, simply, without punishing the completed act.

Mr. CANNON. Let me read it as it would read if the amendment was adopted.

Section 2 would read as follows:

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war

utilities, as herein defined, or shall conspire to prevent the erection or production of such war premises, war materials, or war utilities, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

Now, I fancy that it would amount to something if the amendment went in there. I believe it ought to go in. What is the use of shying? I ask it in all good faith. This is a war measure and not a peace measure. If the Industrial Workers of the World or any other set of people—if the farmers, if the producers, or anybody that produces anything that is necessary to carry on this war—conspires, in the language of this section and of this substitute, then they are guilty of a crime.

You may say that it is crude, that it has no place here. Well, for everything a place, for all times a season. The fact that the war is on, and especially this war, makes this amendment apt. Does any Member who listens to me want to say that we have sent these soldiers abroad and yet that men can conspire to keep them from getting food, to prevent the construction of ships to carry the food, or of convoys to transport them when they cross, and all along the line—that the coal that is necessary, the iron that is necessary, the munitions that are necessary shall not go? If so, I am not in harmony with him, and I am here to say if anybody wants to criticize me for holding these opinions, by political threat or otherwise, and no one on the floor of the House desires to make a political threat, I would rather take the criticism and die than not to attempt to put the law on the statute books. [Applause.]

Mr. WEBB. Mr. Speaker, I say again that I do not think that this is the way to reach this tremendous subject.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Colorado makes the point of order that there is no quorum present. Evidently there is not.

Mr. WEBB. Mr. Speaker, I move a call of the House. The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Estopinal	Kitchin	Sanford
Austin	Evans	Kraus	Saunders, Va.
Blackmon	Fairchild, B. L.	Kreider	Schall
Brand	Fairchild, G. W.	LaGuardia	Scott, Pa.
Brumbaugh	Flood	Lehlbach	Scully
Caldwell	Focht	Lenroot	Sells
Campbell, Pa.	Godwin, N. C.	Linthicum	Shallenberger
Cantrill	Good	Lobeck	Shierley
Capstick	Goodall	Longworth	Sisson
Carew	Green, Iowa	Lufkin	Slemp
Carlin	Greene, Mass.	McClintic	Small
Carter, Mass.	Griest	McCormick	Snell
Church	Hamill	McLaughlin, Pa.	Steele
Clark, Fla.	Hamilton, N. Y.	Maher	Stephens, Nebr.
Clark, Pa.	Harrison, Miss.	Mann	Sterling, Ill.
Coady	Harrison, Va.	Mapes	Stevenson
Cooper, Ohio	Haskell	Martin	Stiness
Cooper, W. Va.	Haugen	Mason	Strong
Copley	Hawley	Mondell	Sullivan
Costello	Hayes	Montague	Templeton
Crisp	Heintz	Moore, Pa.	Tinkham
Curry, Cal.	Hilliard	Mott	Treadway
Davis	Hollingsworth	Mudd	Van Dyke
Dempsey	Hood	O'Shaunessy	Vare
Dewalt	Howard	Parker, N. Y.	Walker
Dickinson	Hull, Tenn.	Pou	Watson, Va.
Dies	Husted	Pratt	Weaver
Dixon	Johnson, S. Dak.	Purnell	Williams
Doelling	Jones, Tex.	Ragsdale	Wilson, La.
Doremus	Jones, Va.	Rainey	Winslow
Dowell	Kahn	Rayburn	Wise
Drukker	Kehoe	Riordan	Wood, Ind.
Dunn	Kelley, Mich.	Robinson	
Dupré	Kennedy, R. I.	Rucker	
Eagle	Kettner	Sanders, Ind.	

The SPEAKER. On this call 291 Members, a quorum, answered to their names.

Mr. WEBB. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CALDWELL, for one week, on account of important business;

To Mr. JONES of Texas, for one week, on account of illness;

To Mr. BRAND, for the day, on account of sickness;

To Mr. COOPER of Ohio, for a few days, on account of sickness in family; and

To Mr. KEHOE, until 4 o'clock p. m. to-day, on account of official business.

INJURY TO WAR MATERIAL.

Mr. WEBB. Mr. Speaker, the amendment of the gentleman from Illinois [Mr. CANNON] introduces a brand-new offense into the bill. We propose in the bill to punish any person who intends to interfere with the war, and with that intent destroys or injures some war utility or premise. The gentleman from Illinois provides a brand-new offense and says whoever shall conspire to prevent the erection or production of such war premises, and so forth, shall be punished. We have said nothing about the production or erection of war premises in the definition of war utilities, war premises, and so forth, so his amendment is entirely new. If the House desires to put a new offense into the bill, of course it can do so, and I have no objection; but in doing so it seems to me it would desire to require the same of the man who commits this offense as we do of the man who commits the other offenses set out in the bill. We propose that the man should intend to injure or delay the prosecution of the war, or that he had reasonable ground to know that his act would do that. Mr. Speaker, it seems to me that if the House desires to add this new offense, it ought to add the words "Whoever with intent to interfere with or obstruct the United States or any associate nation in preparing for and carrying on the war shall conspire to prevent the erection or production," and so forth, so as to make it harmonize with the preceding definitions of offenses. Otherwise you have two plans of finding men guilty. With one class, where a man blows up some war utility you have to prove that he had intent to injure or interfere with the prosecution of the war; but with another class, where two men sit down and talk about their refusal to build a telegraph line or an aqueduct or a sewer, while they may not be guilty of any overt act at all, if you prove they simply conspired together, without any intent to injure the war at all, you make them guilty of crime.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. WEBB. Therefore, unless the gentleman's amendment is amended to correspond to the rest of the bill, I do not think the house ought to adopt it, in view of the requirements as to the other offenses in the bill.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. WEBB. I do.

Mr. HUMPHREYS. If the amendment offered by the gentleman from Illinois is amended by the insertion of the words "with such intent," would the gentleman from North Carolina object to it then?

Mr. WEBB. You could not use the words "with such intent."

Mr. HUMPHREYS. Why not?

Mr. WEBB. You can meet it by adding the language I have just read.

Mr. HUMPHREYS. Why would not the words "with such intent" cover the proposition?

Mr. WEBB. If you put after the word "defined"—

Mr. HUMPHREYS. Personally, I do not agree with the gentleman's construction. I think the language of the gentleman from Illinois now includes all that goes before it, but certainly it would if you said, "with such intent." Would the gentleman object to it then?

Mr. WEBB. I have no objection, but if you put in the language "whoever, with intent to injure, interferes with, or obstructs the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises or war materials or war utilities," then, you have something in keeping with the rest of the bill.

Mr. HUMPHREYS. Has the gentleman any objection?

Mr. WEBB. I do not see any objection, but I do not see much use of it, because we have a general conspiracy statute now.

Mr. CANNON. If the gentleman will permit, if I understood the gentleman aright, he wants to do just what I want to do. Now, I will tell you the people I want to catch. Take the I. W. W.—

Mr. WEBB. I want to catch those, too; of course we all do; in fact, everybody who is trying to delay or obstruct the prosecution of the war.

Mr. CANNON. Take a thousand of them in the shipyards or in the forests and they go to work and conspire and arm. They do not commit any act. Have we got to wait until they kill and destroy and burn or commit any of these acts? I have no objection, if I understand the modification, to the amendment as amended, but I think it means that now.

Mr. KEATING. Will the gentleman yield for a question?

Mr. WEBB. I will.

Mr. KEATING. When the gentleman introduced this bill was it his intention, or was it the intention of his committee, to prevent a man from striking?

Mr. WEBB. I will answer that question in the negative; it was not. We have eminent and patriotic men, representing the Government at the request of the President, looking after all strikes or threatened strikes.

Mr. KEATING. Is not the object of the amendment offered by the gentleman from Illinois to prevent strikes? Is not that the real object of the proposition?

Mr. WEBB. His language does not do so.

Mr. KEATING. Is not that what he seeks to accomplish?

Mr. WEBB. I do not know what is in his mind, but I know what his language is. He now proposes to say, if he adopts my suggestion that whoever shall conspire to prevent the erection or production of such war premises or war materials or utilities with intent to hinder, delay, or to injure the prosecution of the war shall be guilty of an offense. That would not apply to strikers any more than anybody else.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I ask that the time be extended for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from North Carolina have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. I want to ask the gentleman from Colorado a question in the time of the gentleman from North Carolina.

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Massachusetts to interrogate the gentleman from Colorado?

Mr. WEBB. I yield.

Mr. WALSH. Does the gentleman from Colorado believe, if it is going to interfere with our winning the war, that people ought to have the right to strike?

Mr. KEATING. If the gentleman from North Carolina will permit me to answer the interrogation of the gentleman from Massachusetts—

Mr. WEBB. I will.

Mr. KEATING (continuing). I will state my position. I do not believe that the interests of this country can be advanced by putting into law the thought that the gentleman from Illinois [Mr. CANNON] expressed on the floor to-day, which is that this bill should be so amended as to prevent workmen from combining for the purpose of quitting work. Our labor problems, I will say to the gentleman from Massachusetts, are being very ably handled by the executive branch of this Government—

Mr. CANNON. Will the gentleman yield—

Mr. KEATING (continuing). And I prefer to permit Woodrow Wilson, the President of the United States, to continue to work out the various phases of this issue in the way that he has decided to be the best way, rather than toss this apple of discord, of which the gentleman from Illinois [Mr. CANNON] is the creator, into the industrial problems of this country.

Mr. CANNON. Will the gentleman yield?

Mr. KEATING. I am opposed to conscripting labor because our experience has shown it is unnecessary. In my judgment, it would be a monumental blunder.

Mr. CANNON. Will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield?

Mr. WEBB. I yield to the gentleman.

Mr. CANNON. So far as I know and believe, in recent days Mr. Gompers is doing what he can to control a great body of men, so far as a man can by influence control them. There is a great body of men that he does not control.

Mr. KEATING. Oh, but the trouble with the gentleman from Illinois is that when he talks in this House about controlling the Industrial Workers of the World he is merely indulging in camouflage. His idea is to control all classes of labor in this country—those who would not think of joining the Workers of the World—and deprive them of essential rights. This bill does not apply to the Industrial Workers of the World, and the gentleman's amendment is not confined to that obnoxious organization.

Mr. CANNON. I would control everybody in the United States that does anything by conspiracy to disable us from supporting the boys in the trenches. [Applause.]

Mr. WEBB. Mr. Speaker, I hope that we can agree on this amendment by adding the words which have been suggested.

Mr. CANNON. If I can get the gentleman to just sit down and fix the amendment.

Mr. WEBB. I can suggest the amendment if the Clerk can get it.

Mr. CANNON. The amendment to the amendment?

Mr. WEBB. Yes.

The SPEAKER. What is it the gentleman from North Carolina suggests?

Mr. WEBB. I want to add the following words before that amendment which has been offered by the gentleman from Illinois [Mr. CANNON].

The SPEAKER. Is the gentleman offering an amendment to the amendment?

Mr. WEBB. Yes, sir.

The SPEAKER. The gentleman will send it to the Clerk.

Mr. WEBB. I want to suggest this, Mr. Speaker: or whoever with intent to obstruct the United States or any associate nation in preparing for or carrying on the war—

The SPEAKER. Where does that come in?

Mr. WEBB. Immediately after the word "defined," in line 15, and just ahead of the amendment of the gentleman from Illinois [Mr. CANNON].

The SPEAKER. It is an amendment to his amendment then?

Mr. WEBB. Yes, sir.

Mr. GRAHAM of Pennsylvania. Will the gentleman from North Carolina permit me to make a suggestion?

Mr. WEBB. Of course.

Mr. GRAHAM of Pennsylvania. Your amendment ought to come in after the word "or" in the amendment offered by the gentleman from Illinois.

Mr. WEBB. Yes. And then the language:

or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent—

And so forth.

Mr. CANNON. I accept the amendment.

Mr. WEBB. I hope we can get out of it in that way.

The SPEAKER. Now, the Clerk will read these two amendments together, each a part of the same thing, and see how they will read, the Webb amendment and the Cannon amendment hitched together.

The Clerk read as follows:

or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material or war utility.

Mr. CANNON. I am satisfied with that amendment.

The SPEAKER. Now, the whole business will be voted on at once, then.

Mr. CANNON. I accept the amendment if there is no objection.

Mr. KEATING. Mr. Speaker, may I ask the gentleman from North Carolina a question?

Mr. WEBB. Yes.

Mr. KEATING. Before the House votes on this proposition I think we should have from the gentleman from North Carolina his idea of what this amendment accomplishes. It is just possible that personally I may fully agree with the gentleman. I will say that if the amendment carries out the thought that I think is in the mind of the gentleman from Illinois [Mr. CANNON] I would not agree to it.

Mr. CANNON. My mind is mine, and the language speaks for itself.

Mr. KEATING. What is it the gentleman from North Carolina believes the amendment would accomplish?

Mr. WEBB. It means this, that wherever two or more persons conspire or agree together not to construct or manufacture any war materials and that conspiracy is formed for the purpose of injuring and delaying or interfering with the carrying on of the war, those persons shall be deemed guilty of a crime.

Mr. BUTLER. If the purpose is to injure or interfere with our preparation for the war.

Mr. WEBB. I have just stated that.

The SPEAKER. The vote when it is taken will be taken on the combined Cannon and Webb amendments, they being considered as one. Debate on this amendment is exhausted.

Mr. NOLAN. Mr. Speaker, I move to strike out the last word.

The Committee on the Judiciary, when they gave consideration to this measure, which I understand was drafted by the Department of Justice, had in mind the punishment of anybody who would willfully injure or destroy war material, or war premises, or utilities used in connection with war material, or other purposes. Now, you are called upon here to vote upon an amendment that a great many of us are not clear upon. I do not know as the gentleman from North Carolina [Mr. WEBB], the chairman of the Judiciary Committee, is entirely clear in his mind as to what his amendment would accomplish if adopted.

I have in my mind pretty clearly what the gentleman from Illinois [Mr. CANNON] intends to accomplish. I think he has frankly stated his position to the House. I think, however, if you adopt the amendment as proposed by the gentleman

from Illinois and amended by the chairman of the committee, that you will do more to disarrange the plan that the Government of the United States has had in mind regarding coordination and cooperation of labor in the production of war materials, both for our own armies and the armies of our allies, than anything that can possibly be done.

You are going to hold over the head of men and women engaged in the production—that is, on private contracts for the Government of the United States—the threat of punishment by penal statute, providing they get together for the purpose of improving their condition.

SEVERAL MEMBERS. Oh, no!

Mr. NOLAN. Oh, yes! It is conspiracy if they get together for the purpose of improving their conditions and striking to improve those conditions. There is no question about that.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. No; I have only five minutes.

Mr. WALSH. The gentleman is in error.

Mr. NOLAN. No; I am not in error. I think I know what the gentleman from Illinois [Mr. CANNON] proposes to accomplish, and he has frankly stated it.

Now, you have in the District of Columbia, in this city, meeting to-day, five representatives of employers and five representatives of organized labor, with Mr. Taft representing the employers and Mr. Frank P. Walsh representing labor. They were gotten together here for the purpose of formulating a plan whereby strikes will be discontinued during the war, so that the workers will produce munitions and materials to supply our armies in the field without cessation of work. They have gotten together to formulate some plan, and I think they will succeed. You have got a wage-adjustment board connected with the Emergency Fleet Corporation that settled the strike question on the Pacific coast. They have recently rendered a decision along the Delaware River that affects fifty or sixty thousand men. They are going to New York next week, and the week after they will be on the North Atlantic coast, and the week after that they will be on the South Atlantic coast. When they hand down their decisions I am satisfied you will not have any trouble in the shipyards of the country.

I am satisfied that if you permit the Government of the United States to work out this labor problem you will have no trouble in war industries. But if you want to stir this thing up, if you want to hold over organized labor in this country the threat of jail simply because they might strike to better their conditions while working for a private employer who has got a Government contract, whether it be at Hog Island or at some other place, no matter what conditions the employer may impose on labor, I think you will disarrange the whole program. I think if this Congress, or some committee of Congress, wants to settle this question, they ought to do it in committee; they ought to allow those who have given time and attention to the subject an opportunity to come before the committee and have a free and frank discussion of the whole subject.

Let us find out what the Government itself proposes. Let the men who are handling the labor problem for the Government handle this question, tell us what legislation is needed, and then it is time for Congress to act. But here you are asked, with 10 or 15 minutes' discussion, to adopt an amendment offered by the gentleman from Illinois [Mr. CANNON], supplemented by another amendment by the chairman of the Committee on the Judiciary, that if adopted will seriously disarrange your entire labor program during the war. [Cries of "Vote!" "Vote!"]

The SPEAKER. The pro forma amendment is withdrawn.

Mr. LONDON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-one Members are present, a quorum. [Cries of "Vote!" "Vote!"]

Mr. MORGAN rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MORGAN. I rise to move to strike out the last word.

The SPEAKER. The gentleman from Oklahoma moves to strike out the last word.

Mr. MORGAN. Mr. Speaker, I was somewhat surprised at the chairman of the Committee on the Judiciary, who has this bill in charge, who seemed to agree to this amendment as modified.

Mr. WEBB. I did not agree to it. The gentleman from Illinois [Mr. CANNON] accepted it. I said I had no objection if he would accept it. It harmonizes with the rest of the bill.

Mr. MORGAN. Then, I will modify my statement and say I was somewhat surprised that he should agree to the modification. In other words, I think this House has the impression

now that this amendment as modified meets with the approval of the Committee on the Judiciary. That is my impression.

Now, I will say that I recognize the chairman's right to do that, generally speaking, but I think where an amendment is offered to an important bill like this, covering an entirely new field, that brings in questions that were not involved in the original bill, which broadens the scope of the original bill, that it is not usual for the chairman of the committee, without much discussion, to virtually concede such an amendment.

Now, I am opposed to this amendment. In the first place, if we are to make a new law, a new criminal statute, which affects the right of labor to strike, we should consider it very carefully, very thoroughly, and very patriotically.

Mr. COX. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Indiana?

Mr. MORGAN. Yes.

Mr. COX. Does the gentleman believe that organized labor or any other body of men or women in this country should be given the right to strike and destroy the instruments of production and munition plants? [Applause.]

Mr. MORGAN. I believe that labor has the right to strike. [Applause.] I believe that at present labor, as a rule, is as loyal to the Government as capital. I believe that it is unwise to enact the legislation included in this amendment at this time.

It may be wise for the House here, with very little discussion, with practically no consideration, to authorize the courts of this land to indict every man who enters into a strike during the war; but I do not believe that that is wise. I have never posed as the champion of organized labor. There are others in this House more entitled to that position than I. But, at the same time, I do not think it is necessary for the Congress of the United States at this time to authorize the courts of the United States to prosecute every man connected with organized labor who strikes. [Applause.]

We can not win this war without the sympathy and support of the laboring men of this country. By this I mean all the men in our mills, factories, manufacturing plants, in the operation of our railways, on our farms, and in all our industrial establishments. These men are performing the labor necessary to clothe, feed, equip, arm, and maintain the soldiers and sailors of the Army and Navy.

Not only this, perhaps 90 per cent of our soldiers and sailors go from the homes of the laboring classes of the country. Certainly we ought not to question the loyalty and patriotism of these men by hastily adopting an amendment which might be used to intimidate or prosecute and possibly to convict men who may have a just cause to strike even in war times. I have no sympathy with any man, whoever he may be or whatever may be his calling or occupation, who interferes with the American people in the prosecution of the war. I am willing to vote for any legislation that will mete out proper punishment for such men. But I am not willing to vote for a "conspiracy" provision which might be construed to interfere with the just rights of labor now so universally recognized. As a member of the Judiciary Committee, I have supported every measure designed to strengthen the arm of the Government in the great struggle in which we are engaged. As a Representative, I am anxious to contribute in every way possible to aid our brave soldiers and sailors to win the war. I desire to lighten their burdens, to lessen their sacrifices, and to relieve them of every danger and hardship possible. But I do not believe a conspiracy statute, applicable to labor generally, without proper safeguards thrown around it, will aid our Army or our Navy or contribute to our national strength in this hour of peril and danger.

Mr. WEBB. Mr. Speaker, I move that all debate on this amendment be now closed.

The SPEAKER. The gentleman moves that all debate on this amendment be now closed.

The motion was agreed to.

The SPEAKER. The pro forma amendment of the gentleman from Oklahoma [Mr. MORGAN] is withdrawn. The question is on the joint amendment of the gentleman from Illinois [Mr. CANNON] and the gentleman from North Carolina [Mr. WEBB].

The question being taken, on a division (demanded by Mr. NOLAN) there were—ayes 112, noes 45.

Mr. NOLAN and Mr. KEATING made the point of order that there was no quorum present.

Mr. CANNON. Mr. Speaker, the Chair just counted. I think that point of order is dilatory.

The SPEAKER. The Chair thinks not. The point of order is made that there is no quorum present. The Chair will count. [After counting.] Two hundred and three Members present,

not a quorum. On the rising vote the ayes were 112, the noes were 45—

Mr. BLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. When can we demand and obtain a roll call?

The SPEAKER. The gentleman will get it in about half a minute. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. WINGO. May we have the amendment reported, Mr. Speaker? Let me suggest that as the section is short, the entire section be read as it would be if this amendment were adopted.

The SPEAKER. Without objection, the Clerk will report the entire section, with the amendment.

The Clerk read as follows:

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy any war material, war premises, or war utilities as herein defined, or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than \$10,000 or imprisonment not more than 30 years, or both.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. As I understood the amendment, it used the word "obstruct"; as the section was just read I understood that the words used were "interfere with."

Mr. CANNON. The word "interfere" is in the text as it was reported, if the gentleman will look at the top of section 2.

Mr. JOHNSON of Washington. All right.

The SPEAKER. The question is on agreeing to the amendment. The Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 59, not voting 112, as follows:

YEAS—257.

Alexander	Farr	Kennedy, Iowa	Randall
Almon	Ferris	Kiess, Pa.	Reavis
Anderson	Fess	Kincheloe	Rodenberg
Ashbrook	Fields	Kinkaid	Rogers
Aswell	Fisher	Kitchin	Romjue
Bacharach	Focht	La Follette	Rose
Barkley	Fordney	Larson	Rouse
Barnhart	Foss	Lea, Cal.	Rowland
Benkes	Foster	Lee, Ga.	Ruby
Beshlin	Francis	Leshner	Rucker
Black	Frear	Lever	Russell
Blanton	Freeman	Little	Sabath
Booher	French	Littlepage	Sanders, Ind.
Borland	Fuller, Ill.	Lobeck	Sanders, La.
Bowers	Fuller, Mass.	Lomergan	Sanders, N. Y.
Brodbeck	Gandy	Longworth	Saunders, Va.
Browning	Gard	Lufkin	Scott, Iowa
Brumbaugh	Garner	McAndrews	Scott, Mich.
Buchanan	Garrett, Tenn.	McArthur	Sells
Burnett	Garrett, Tex.	McFadden	Shackleford
Burroughs	Gillett	McKenzie	Shallnberger
Butler	Glass	McKinley	Sherry
Byrns, Tenn.	Glynn	McLaughlin, Mich.	Shouse
Campbell, Kans.	Goodwin, Ark.	Madden	Sinnott
Candler, Miss.	Gould	Magee	Sisson
Cannon	Graham, Ill.	Mansfield	Slayden
Cantrill	Graham, Pa.	Martin	Sloan
Caraway	Gray, Ala.	Mays	Smith, Idaho
Carlin	Gray, N. J.	Meuritt	Smith, Mich.
Carter, Okla.	Green, Iowa	Miller, Minn.	Snook
Chandler, N. Y.	Greene, Vt.	Miller, Wash.	Snyder
Church	Gregg	Moon	Stragall
Clark, Fla.	Grist	Moore, Ind.	Stedman
Claypool	Hadley	Neely	Steenerson
Collier	Hamilton, Mich.	Nicholls, S. C.	Stephens, Miss.
Connally, Tex.	Hamlin	Nichols, Minn.	Stirling, Ill.
Connelly, Kans.	Hardy	Norton	Stevenson
Cox	Harrison, Miss.	Oldfield	Sumners
Crago	Harrison, Va.	Oliver, Ala.	Sweet
Cramton	Hastings	Olney	Swift
Crosser	Haugen	Osborne	Switzer
Currie, Mich.	Hawley	O'Shaunessy	Talbott
Dale, N. Y.	Heaton	Overstreet	Taylor, Ark.
Dale, Vt.	Hedin	Padgett	Temple
Dallinger	Helm	Paige	Tillman
Darrow	Helvering	Park	Tilson
Davidson	Hensley	Parker, N. J.	Timberlake
Decker	Hersey	Parker, N. Y.	Towner
Dickinson	Hicks	Peters	Treadway
Dill	Holland	Platt	Venable
Dixon	Houston	Polk	Vestal
Doolittle	Hull, Tenn.	Powers	Vinson
Doughton	Humphreys	Pratt	Volsted
Drane	Hutchinson	Price	Wadlow
Dyer	Jacoway	Purnell	Walker
Eagan	Johnson, Ky.	Quinn	Walsh
Elliott	Johnson, Wash.	Rainey	Ward
Ellsworth	Jones, Va.	Raker	Wason
Esch	Juul	Ramsey	Watkins
Fairfield	Kearns	Ramsayer	Watson, Pa.

Watson, Va.	Whaley	Wilson, Tex.	Young, S. Dak.
Weaver	Wheeler	Wingo	Young, Tex.
Webb	White, Me.	Wood, Ind.	
Wellington	White, Ohio	Woods, Iowa	
Wetly	Wilson, Ill.	Wright	

NAYS—59.

Ayres	Emerson	Langley	Rankin
Baer	Flynn	London	Reed
Bankhead	Gallagher	Lundeen	Robbins
Bland	Garland	Lunn	Roberts
Browne	Gordon	McCulloch	Sherwood
Cary	Hayden	McKeown	Siegel
Classon	Hilliard	McLemore	Smith, T. F.
Cooper, Wis.	Huddleston	Mondell	Stafford
Davis	Igoe	Morgan	Tague
Denison	Ireland	Morin	Taylor, Colo.
Denton	James	Nelson	Thomas
Dillon	Keating	Nolan	Walton
Dominick	Kelly, Pa.	Oliver, N. Y.	Woodyard
Edmonds	King	Phelan	Zihlman
Elston	Knutson	Porter	

NOT VOTING—112.

Anthony	Drukker	Kelley, Mich.	Robinson
Austin	Dunn	Kennedy, R. I.	Rowe
Bell	Dupré	Kettner	Sanford
Blackmon	Eagle	Key, Ohio	Schall
Brand	Estopinal	Kraus	Schall, Pa.
Britten	Evans	Kreider	Scully
Byrnes, S. C.	Fairchild, B. L.	LaGuardia	Sears
Caldwell	Fairchild, G. W.	Lazaro	Sims
Campbell, Pa.	Flood	Leibach	Slemp
Capstick	Gallivan	Lenroot	Small
Carew	Godwin, N. C.	Linthicum	Smith, C. B.
Carter, Mass.	Good	McClintic	Snell
Chandler, Okla.	Goodall	McCormick	Steele
Clark, Pa.	Greene, Mass.	McLaughlin, Pa.	Stephens, Nebr.
Coady	Hamill	Maher	Sterling, Pa.
Cooper, Ohio	Hamilton, N. Y.	Mann	Stiness
Cooper, W. Va.	Haskell	Mapes	Strong
Copley	Hayes	Mason	Sullivan
Costello	Helntz	Meeker	Templeton
Crisp	Hollingsworth	Montague	Thompson
Curry, Cal.	Hood	Moore, Pa.	Tinkham
Dempsey	Howard	Mott	Van Dyke
Dent	Hull, Iowa	Mudd	Vare
Dewalt	Husted	Overmyer	Voigt
Dies	Johnson, S. Dak.	Pou	Williams
Dooling	Jones, Tex.	Ragsdale	Wilson, La.
Doremus	Kahn	Rayburn	Winslow
Dowell	Kehoe	Riordan	Wise

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. SEARS with Mr. DUNN.

Mr. STEPHENS of Nebraska with Mr. HASKELL.

Mr. HOOD with Mr. MAPES.

Mr. DUPRÉ with Mr. HOLLINGSWORTH.

Mr. MAHER with Mr. LEIBACH.

Mr. WILSON of Louisiana with Mr. SNELL.

Mr. JONES of Texas with Mr. DOWELL.

Mr. MONTAGUE with Mr. SANFORD.

Mr. ROBINSON with Mr. HAMILTON of New York.

Mr. STEELE with Mr. COOPER of West Virginia.

Mr. DEWALT with Mr. GEORGE W. FAIRCHILD.

Mr. BELL with Mr. ANTHONY.

Mr. BLACKMON with Mr. AUSTIN.

Mr. BRAND with Mr. BRITTEN.

Mr. BYRNES of South Carolina with Mr. CARTER of Massachusetts.

Mr. CALDWELL with Mr. CHANDLER of Oklahoma.

Mr. CAMPBELL of Pennsylvania with Mr. CLARK of Pennsylvania.

Mr. CAREW with Mr. COOPER of Ohio.

Mr. COADY with Mr. COPLE.

Mr. CRISP with Mr. DEMPSEY.

Mr. DENT with Mr. COSTELLO.

Mr. DOOLING with Mr. CURRY of California.

Mr. DOREMUS with Mr. DRUKKER.

Mr. ESTOPINAL with Mr. BENJAMIN L. FAIRCHILD.

Mr. EVANS with Mr. GOOD.

Mr. GALLIVAN with Mr. ROWE.

Mr. HOWARD with Mr. GOODALL.

Mr. FLOOD with Mr. GREENE of Massachusetts.

Mr. KEHOE with Mr. HULL of Iowa.

Mr. GODWIN of North Carolina with Mr. HAYES.

Mr. KEY of Ohio with Mr. HUSTED.

Mr. HAMILL with Mr. KAHN.

Mr. LAZARO with Mr. KELLEY of Michigan.

Mr. KETTNER with Mr. MASON.

Mr. POU with Mr. KENNEDY of Rhode Island.

Mr. OVERMYER with Mr. LENROOT.

Mr. LINTHICUM with Mr. KREIDER.

Mr. RAGSDALE with Mr. McLAUGHLIN of Pennsylvania.

Mr. McCLINTIC with Mr. MEEKER.

Mr. RAYBURN with Mr. MOORE of Pennsylvania.

Mr. RIORDAN with Mr. MUDD.

Mr. SCHALL with Mr. MOTT.

Mr. SIMS with Mr. VOIGT.

Mr. STEVENSON with Mr. STINESS.

Mr. SMALL with Mr. STRONG.

Mr. SULLIVAN with Mr. SLEMP.

Mr. CHARLES B. SMITH with Mr. TINKHAM.

Mr. THOMPSON with Mr. WINSLOW.

Mr. RAKER with Mr. LaGUARDIA.

Mr. WISE with Mr. KRAUS.

Mr. VAN DYKE with Mr. WILLIAMS.

Mr. STERLING of Pennsylvania with Mr. JOHNSON of South Dakota.

Mr. EAGLE with Mr. VARE.

Mr. SCULLY with Mr. CAPSTICK.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. WEBB. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The SPEAKER. The gentleman from North Carolina moves the previous question.

Mr. WEBB. Mr. Speaker, I will withdraw that motion and allow the gentleman from New York [Mr. LUNN] to offer an amendment.

Mr. LUNN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Add as a new section to follow section 2:

"Nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with a bona fide purpose of securing better wages or conditions of employment."

Mr. WEBB. Mr. Speaker, I reserve a point of order against the amendment.

Mr. Speaker, I make the point of order that this amendment is not in order, and I insist on the point of order. I believe it ought to be sustained, because there is nothing in this bill that refers to employees or labor or wages or conditions; it only applies to conspiracies and doing certain things for the purpose of injuring or interfering with the Government in prosecuting the war. I can not see how the amendment is germane. You might as well write into the bill that it is not intended to catch an honest man. True, some gentlemen have mentioned labor on the floor, but there is nothing in the bill referring to labor, employees, or conditions of labor.

Mr. FOSTER. Mr. Speaker, but this amendment just placed upon the bill does speak of conspiracy. Now, the amendment of the gentleman from New York is only, as I understand it, to explain that this shall not apply in this way, so it seems to me that if the amendment which has just been placed upon the bill is in order it would not do to say that this amendment is not in order. It might have been so if this amendment had not been first placed upon the bill, but having been placed upon the bill and voted on by the House, it seems to me that this amendment is now in order.

The SPEAKER. The Chair is ready to rule. This amendment is simply a limitation on this bill, and the point of order is overruled. [Applause.]

Mr. WEBB. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from North Carolina moves the previous question on the bill and amendments to final passage.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that we are considering the bill under the five-minute rule, and the motion is not in order until the Clerk finishes the reading of the bill for amendment.

Mr. FOSTER. The bill has been read.

Mr. HUDDLESTON. By unanimous consent it was agreed that we should consider the bill under the five-minute rule.

The SPEAKER. The bill has been read.

Mr. HUDDLESTON. We have just had read the second section for amendment. We have not had read the third section under the five-minute rule.

Mr. FOSTER. The whole bill has been read.

Mr. HUDDLESTON. But not since that agreement was made.

The SPEAKER. The previous question is in order.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. LUNN].

The question was taken, and the Speaker announced that the yeas seem to have it.

On a division (demanded by Mr. LANGLEY) there were—yeas 93, noes 69.

Mr. CANNON. Yeas and nays, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] demands the yeas and nays. The Chair will count. [After counting.] Sixty-five gentlemen have arisen, a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—273, yeas 38, answered "present" 1, not voting 116, as follows:

YEAS—273.

Alexander	Flood	Loneragan	Sanders, N. Y.
Almon	Flynn	Longworth	Saunders, Va.
Anderson	Focht	Lufkin	Schall
Anthony	Foss	Lundeen	Scott, Mich.
Ashbrook	Foster	Lunn	Sells
Aswell	Francis	McAndrews	Shackleford
Ayres	Frear	McArthur	Shallenberger
Baer	Freeman	McCulloch	Sherwood
Bankhead	French	McFadden	Shouse
Barkley	Fuller, Ill.	McKenzie	Siegel
Barnhart	Fuller, Mass.	McKeown	Sinnott
Beakes	Gallagher	McKinley	Slayden
Bell	Gandy	McLaughlin, Mich.	Smith, Idaho
Beshlin	Gard	McLemore	Smith, Mich.
Black	Garland	Maher	Smith, C. B.
Blackmon	Garrett, Tex.	Mansfield	Smith, T. F.
Bland	Gillett	Mays	Snook
Booher	Goodwin, Ark.	Meeker	Snyder
Bowers	Gordon	Miller, Wash.	Stafford
Browne	Graham, Ill.	Mondell	Stegall
Brumbaugh	Gray, Ala.	Moon	Stedman
Buchanan	Green, Iowa	Moore, Pa.	Sterling, Ill.
Burnett	Gregg	Morgan	Stevenson
Burrroughs	Hadley	Morin	Summers
Butler	Hamilton, Mich.	Mott	Sweet
Byrnes, Tenn.	Hamlin	Mudd	Swift
Campbell, Kans.	Hardy	Neely	Switzer
Candler, Miss.	Harrison, Miss.	Nelson	Tague
Caraway	Harrison, Va.	Nicholls, S. C.	Taylor, Ark.
Carlin	Hastings	Nichols, Mich.	Taylor, Colo.
Carter, Okla.	Hawley	Nolan	Temple
Cary	Hayden	Norton	Thomas
Chandler, N. Y.	Hefflin	Oldfield	Thompson
Classon	Helvering	Oliver, Ala.	Tillman
Claypool	Hensley	Oliver, N. Y.	Tilson
Collier	Hersey	Olney	Timberlake
Connally, Tex.	Hicks	Osborne	Towner
Connelly, Kans.	Hilliard	O'Shaunessy	Treadway
Cooper, Wis.	Holland	Overstreet	Venable
Crosser	Houston	Palge	Vestal
Dale, N. Y.	Huddleston	Park	Vinson
Dallinger	Hull, Tenn.	Parker, N. Y.	Voigt
Darrow	Hutchinson	Phelan	Waldow
Davidson	Igoe	Powers	Walker
Davis	Jacoway	Price	Walsh
Decker	James	Purnell	Walton
Denison	Johnson, Wash.	Quin	Wason
Denton	Juil	Ratney	Watkins
Dickinson	Kearns	Raker	Watson, Pa.
Dill	Keating	Ramsey	Watson, Va.
Dillon	Kelly, Pa.	Ramseyer	Weaver
Dixon	Kennedy, Iowa	Randall	Webb
Dominick	Key, Ohio	Rankin	Welling
Dooling	Kincheloe	Reynolds	Welby
Doolittle	King	Reavis	Whaley
Doughton	Kinkaid	Reed	Wheeler
Dowell	Kitchin	Robbins	White, Me.
Drane	Knutson	Roberts	White, Ohio
Dupré	La Follette	Rodenberg	Wilson, Ill.
Dyer	Langley	Rogers	Wilson, Tex.
Eagan	Larsen	Romjue	Wingo
Ellsworth	Lazaro	Rose	Woodward
Emerson	Lea, Cal.	Rouse	Wright
Fairfield	Leshner	Rubey	Young, N. Dak.
Farr	Lever	Rucker	Young, Tex.
Ferris	Little	Russell	Zihlman
Fess	Littlepage	Sabath	
Fields	Lobeck	Sanders, Ind.	
Fisher	London	Sanders, La.	

NAYS—38.

Bacharach	Dale, Vt.	Heaton	Parker, N. J.
Blanton	Edmonds	Helm	Peters
Borland	Elliott	Humphreys	Platt
Cannon	Fordney	Johnson, Ky.	Sherley
Cantrill	Garner	Kiess, Pa.	Steenerson
Church	Garrett, Tenn.	Madden	Stephens, Miss.
Cox	Glass	Merritt	Volstead
Crago	Glynn	Miller, Minn.	Ward
Cramton	Gray, N. J.	Moore, Ind.	
Currie, Mich.	Greene, Vt.	Padgett	

ANSWERED "PRESENT"—1.

Talbott

NOT VOTING—116.

Austin	Costello	Godwin, N. C.	Ireland
Brand	Crisp	Good	Johnson, S. Dak.
Britten	Curry, Cal.	Goodall	Jones, Tex.
Brodbeck	Dempsey	Gould	Jones, Va.
Browning	Dent	Graham, Pa.	Kahn
Byrnes, S. C.	Dewalt	Greene, Mass.	Keohoe
Caldwell	Dies	Griest	Kelley, Mich.
Campbell, Pa.	Doremus	Hamill	Kennedy, R. I.
Capstick	Drukker	Hamilton, N. Y.	Kettner
Carew	Dunn	Haskell	Kraus
Carter, Mass.	Eagle	Haugen	Kreider
Chandler, Okla.	Elston	Hayes	LaGuardia
Clark, Fla.	Esch	Helntz	Lee, Ga.
Clark, Pa.	Estepinal	Hollingsworth	Lehbach
Coady	Evans	Hood	Lenroot
Cooper, Ohio	Fairchild, B. L.	Howard	Linthicum
Cooper, W. Va.	Fairchild, G. W.	Hull, Iowa	McClintic
Copley	Gallivan	Husted	McCormick

McLaughlin, Pa.	Pratt	Sims	Sullivan
Magee	Ragsdale	Sisson	Templeton
Mann	Riordan	Slomp	Tinkham
Mapes	Robinson	Sloan	Van Dyke
Martin	Rowe	Small	Vare
Mason	Rowland	Snell	Williams
Montague	Sanford	Steele	Wilson, La.
Overmyer	Scott, Iowa	Stephens, Nebr.	Winslow
Polk	Scott, Pa.	Sterling, Pa.	Wise
Porter	Scully	Stines	Wood, Ind.
Pou	Sears	Strong	Woods, Iowa

So the amendment was agreed to.
The Clerk announced the following additional pairs:
Until further notice:

Mr. TALBOTT with Mr. BROWNING.
Mr. JONES of Texas with Mr. HOLLINGSWORTH.
Mr. McCLINTIC with Mr. LEHLBACH.
Mr. SIMS with Mr. GREENE of Massachusetts.
Mr. BRODBECK with Mr. HUSTED.
Mr. CLARK of Florida with Mr. KELLEY of Michigan.
Mr. DIES with Mr. STINNESS.
Mr. JONES of Virginia with Mr. TINKHAM.
Mr. LEE of Georgia with Mr. WINSLOW.
Mr. MARTIN with Mr. AUSTIN.
Mr. POLK with Mr. MAGEE.
Mr. SCULLY with Mr. PORTER.
Mr. SISSON with Mr. SLOAN.
Mr. TAYLOR of Colorado with Mr. TEMPLETON.

Mr. TALBOTT. Mr. Speaker, I am paired with the gentleman from New Jersey [Mr. BROWNING]. If he were present, I would vote "aye," and I desire to state that my impression is that if Mr. BROWNING were present he would also vote "aye."

Mr. FERRIS. Mr. Speaker, I desire to announce the unavoidable absence of Mr. McCLINTIC, of Oklahoma, who is sick in the hospital with typhoid fever.

The result of the vote was announced as above recorded.
The SPEAKER. The question now is on agreeing to the committee substitute as amended.

The question was taken, and the committee substitute was agreed to.

The SPEAKER. The question is on a third reading of the Senate bill as amended.

The question was taken, and the bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.
Mr. COOPER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays. There were some of us who voted against the Cannon amendment who wish now to vote for the bill.

The SPEAKER. The question is on passing the bill.
The question was taken.

Mr. IGOE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The vote just taken discloses the presence of a quorum. The gentleman from Wisconsin demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Eighty-four Members have arisen, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 321, not voting 107, as follows:

YEAS—321.

Alexander	Carter, Okla.	Dupré	Gordon
Almon	Cary	Dyer	Graham, Ill.
Anderson	Church	Eagan	Gray, Ala.
Anthony	Clark, Fla.	Edmonds	Gray, N. J.
Ashbrook	Classon	Elliott	Green, Iowa
Aswell	Claypool	Ellsworth	Greene, Vt.
Ayres	Collier	Emerson	Gregg
Bacharach	Connally, Tex.	Esch	Griest
Baer	Connelly, Kans.	Fairfield	Hadley
Bankhead	Cooper, Wis.	Farr	Hamilton, Mich.
Barkley	Cox	Ferris	Hamlin
Barnhart	Crago	Fess	Hardy
Beakes	Cramton	Fields	Harrison, Miss.
Bell	Crosser	Fisher	Harrison, Va.
Beshlin	Currie, Mich.	Flood	Hastings
Black	Dale, N. Y.	Flynn	Hawley
Blackmon	Dale, Vt.	Focht	Hayden
Bland	Dallinger	Fordney	Heaton
Blanton	Darrow	Foss	Hefflin
Booher	Davidson	Foster	Helm
Borland	Davis	Francis	Helvering
Bowers	Decker	Frear	Hensley
Browne	Denison	Freeman	Hersey
Brumbaugh	Dent	Fuller, Ill.	Hicks
Buchanan	Denton	Fuller, Mass.	Hilliard
Burnett	Dickinson	Gallagher	Holland
Burrroughs	Dill	Gandy	Houston
Butler	Dillon	Gard	Huddleston
Byrnes, Tenn.	Dixon	Garner	Hull, Iowa
Campbell, Kans.	Dominick	Garrett, Tenn.	Hull, Tenn.
Candler, Miss.	Dooling	Garrett, Tex.	Humphreys
Cannon	Doolittle	Gillett	Hutchinson
Cantrill	Doughton	Glass	Igoe
Caraway	Dowell	Glynn	Jacoway
Carlin	Drane	Goodwin, Ark.	James

Johnson, Ky.	Miller, Minn.	Rogers	Taylor, Ark.
Johnson, Wash.	Miller, Wash.	Romjue	Taylor, Colo.
Juni	Mondell	Rose	Temple
Keams	Montague	Rouse	Thomas
Keating	Moon	Rowe	Thompson
Kehoe	Moore, Pa.	Rubey	Tillman
Kelly, Pa.	Moores, Ind.	Rucker	Tilson
Kennedy, Iowa	Morgan	Russell	Timberlake
Key, Ohio	Morin	Sabath	Towner
Kiehl, Pa.	Mott	Sanders, Ind.	Treadway
Kincheloe	Neely	Sanders, La.	Venable
King	Nelson	Sanders, N. Y.	Vestal
Kinkaid	Nicholls, S. C.	Saunders, Va.	Vinson
Kitchin	Nichols, Mich.	Schall	Voigt
Knutson	Nolan	Scott, Iowa	Volstead
La Follette	Norton	Scott, Mich.	Waldow
Langley	Oldfield	Sells	Walker
Larsen	Oliver, Ala.	Shackleford	Walsh
Lazaro	Oliver, N. Y.	Shallenberger	Walton
Lea, Cal.	Olney	Sherley	Ward
Leshner	Osborne	Sherwood	Wason
Lever	O'Shaunessy	Shouse	Watkins
Linnicum	Overstreet	Siegel	Watson, Pa.
Little	Padgett	Sims	Watson, Va.
Littlepage	Paige	Sinnot	Weaver
London	Park	Slayden	Webb
Loneragan	Parker, N. J.	Sloan	Welling
Longworth	Parker, N. Y.	Smith, Idaho	Welty
Lufkin	Peters	Smith, Mich.	Whaley
Lundeen	Phelan	Smith, C. B.	Wheeler
Lunn	Platt	Smith, T. F.	White, Me.
McAndrews	Pou	Snook	White, Ohio
McArthur	Powers	Snyder	Wilson, Ill.
McCulloch	Purnell	Stafford	Wilson, Tex.
McEadden	Quin	Stegall	Wingo
McKenzie	Ralney	Stedman	Wise
McKeown	Raker	Steenerson	Wood, Ind.
McKinley	Ramsey	Stephens, Miss.	Wood, Iowa
McLaughlin, Mich.	Ramseyer	Sterling, Ill.	Woodward
Madden	Randall	Stevenson	Wright
Maher	Rankin	Sumners	Young, N. Dak.
Mansfield	Rayburn	Sweet	Young, Tex.
Martin	Reavis	Swift	Zihlman
Mays	Robbins	Switzer	
Meeker	Roberts	Tague	
Merritt	Rodenberg	Talbott	

NOT VOTING—107.

Austin	Eagle	Jones, Tex.	Ragsdale
Brand	Elston	Jones, Va.	Reed
Britten	Estopinal	Kahn	Riordan
Brodbeck	Evans	Kelley, Mich.	Robinson
Browning	Fairchild, B. L.	Kennedy, R. I.	Rowland
Byrnes, S. C.	Fairchild, G. W.	Kettner	Sanford
Caldwell	French	Kraus	Scott, Pa.
Campbell, Pa.	Gallivan	Kreider	Scully
Capstick	Garland	LaGuardia	Sears
Carew	Godwin, N. C.	Lee, Ga.	Sisson
Carter, Mass.	Good	Lehlbach	Slemp
Chandler, N. Y.	Goodall	Lenroot	Small
Chandler, Okla.	Gould	Lobeck	Snell
Clark, Pa.	Graham, Pa.	McClintic	Steele
Condy	Greene, Mass.	McCormick	Stephens, Nebr.
Cooper, Ohio	Hamill	McLaughlin, Pa.	Sterling, Pa.
Cooper, W. Va.	Hamilton, N. Y.	McLemore	Stiness
Copiey	Haskell	Magee	Strong
Costello	Hausen	Mann	Sullivan
Crisp	Hayes	Mapes	Templeton
Curry, Cal.	Heintz	Mason	Tinkham
Dempsey	Hollingsworth	Mudd	Van Dyke
Dewalt	Hood	Overmyer	Vare
Dies	Howard	Polk	Williams
Doremus	Husted	Porter	Wilson, La.
Drukker	Ireland	Pratt	Winslow
Dunn	Johnson, S. Dak.	Price	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. GALLIVAN with Mr. SANFORD.

Mr. SCULLY with Mr. AUSTIN.

Mr. SISSON with Mr. COSTELLO.

Mr. LOBECK with Mr. GREENE of Massachusetts.

Mr. MCLEMORE with Mr. KENNEDY of Rhode Island.

Mr. POLK with Mr. MUDD.

Mr. CRISP with Mr. CHANDLER of New York.

Mr. GALLIVAN with Mr. FRENCH.

Mr. EAGLE with Mr. GARLAND.

Mr. PRICE with Mr. GOULD.

Mr. STERLING of Pennsylvania with Mr. IRELAND.

Mr. JONES of Texas with Mr. DEMPSEY.

Mr. MONTAGUE with Mr. PORTER.

Mr. RIORDAN with Mr. CURRY of California.

Mr. TALBOTT. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore (Mr. GARRETT of Tennessee in the chair). The gentleman is recorded as "present."

Mr. TALBOTT. I am paired with the gentleman from New Jersey, Mr. BROWNING. If he were present, he would vote "yea."

I therefore change my vote from "present" to "yea."

Mr. SIEGEL. Mr. Speaker, I want to say that if my colleagues Mr. LA GUARDIA and Mr. MAGEE were present they would vote "yea."

The result of the vote was announced as above recorded.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

LEAVE OF ABSENCE.

Mr. MCCLINTIC, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

EULOGIES ON THE LATE REPRESENTATIVE HELGESEN.

Mr. BAER. Mr. Speaker, I desire to ask unanimous consent that Sunday, March 24, 1918, be set aside for addresses on the life, character, and public services of HENRY T. HELGESEN, late Representative in Congress from the first district of North Dakota.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. BAER] asks unanimous consent that Sunday, March 24, 1918, be set aside for eulogies upon the life, character, and public services of the late HENRY T. HELGESEN, a Representative from North Dakota. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. IGOE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the Record on this bill. Is there objection?

There was no objection.

Mr. LUNN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DYER, Mr. MORGAN, Mr. HEFLIN, Mr. LINTHICUM, and Mr. SIEGEL requested unanimous consent to extend their remarks in the Record on this bill.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I have no objection to gentlemen who spoke on the bill extending their remarks in the Record on this measure, but as to those who did not I shall object.

The SPEAKER pro tempore. The Chair is unable to distinguish. Is there objection to the request of the gentleman from Oklahoma [Mr. MORGAN]? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Missouri [Mr. DYER]? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Maryland [Mr. LINTHICUM]? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Alabama [Mr. HEFLIN]?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. SIEGEL]?

There was no objection.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill just passed?

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

DAYLIGHT SAVING.

Mr. SIMS. Mr. Speaker, I want to ask unanimous consent that upon the conclusion or disposition of the appropriation bill now before the House it shall be in order to take up and consider what is known as the daylight-saving bill.

Mr. MADDEN. Mr. Speaker, I object.

Mr. SIMS. I want to make a statement.

Mr. MADDEN. The finance corporation bill is coming in.

Mr. SIMS. This will take but one hour.

Mr. MADDEN. I object.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that at the conclusion of the legislative, executive, and judicial appropriation bill it shall be in order to consider what is known as the daylight-saving bill. Is there objection?

Mr. MADDEN. I object.

EXTENSION OF REMARKS.

Mr. HEFLIN. Mr. Speaker, I made the request that I might be permitted to extend my remarks in the Record, and there were several others who did so. Was there objection?

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. WALSH] made an objection.

Mr. HEFLIN. Did he object to others?

The SPEAKER pro tempore. He did not.

Mr. WALSH. I withdraw the objection.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

PRACTICE AND PROCEDURE IN FEDERAL COURTS.

Mr. WEBB. Mr. Speaker, I desire to call up the bill H. R. 9354, to amend the practice and procedure in Federal courts, and for other purposes, and I propose to yield five minutes to the gentleman from Arkansas [Mr. CARAWAY] to explain it, and then I intend to move to adjourn.

The title of the bill was read.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

The SPEAKER pro tempore (Mr. SHERLEY). Does the gentleman from North Carolina ask unanimous consent to dispense with the first reading of the bill?

Mr. WEBB. I do.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. CARAWAY] is recognized for five minutes.

Mr. CARAWAY. Mr. Speaker, I shall want but one minute of that time.

The bill seeks merely to limit the right of Federal judges in the trial of causes submitted to juries. In some jurisdictions—at least, it is true of my own—the court elects to give his personal opinion as to the credibility of witnesses and the weight of testimony, and it was thought that it invaded the province of the jury. This bill seeks to correct that, and to make the judge confine his instructions to the law applicable to the case.

That is all I want to say at this time.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, March 7, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation required for three additional clerks in the office of the collector of taxes of the District of Columbia for the fiscal year 1919 (H. Doc. No. 964); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a supplemental estimate of appropriation for the contribution of the United States toward the maintenance of the Inter-Allied Institute for the Restoration and Reeducation of Crippled Soldiers (H. Doc. No. 965); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (S. J. Res. 133) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured, reported the same without amendment, accompanied by a report (No. 358), which said joint resolution and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9715) extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas, reported the same with amendment, accompanied by a report (No. 359), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROGERS: A bill (H. R. 10522) authorizing the Secretary of War to reimburse officers, enlisted men, and civilian em-

ployees in the Military Establishment for certain disbursements while on furlough necessitated by disabilities originating in the service and in line of duty; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 10523) to establish an American recreation camp for commissioned officers, soldiers, and sailors on duty overseas; to the Committee on Military Affairs.

By Mr. OSBORNE: A bill (H. R. 10524) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906; to the Committee on the Public Lands.

By Mr. CARY: A bill (H. R. 10525) to authorize and direct the Postmaster General to procure postal cars and contract for hauling them, and appropriating money therefor; to the Committee on the Post Office and Post Roads.

By Mr. McFADDEN: A bill (H. R. 10526) providing for partial payments of war excess-profits taxes; to the Committee on Ways and Means.

By Mr. BAER: A bill (H. R. 10527) to provide for the national security and defense and further to assure an adequate supply of food, by authorizing the Secretary of Agriculture to contract with farmers in certain areas for the production of grain through advances, loans, and otherwise, and by providing for the voluntary mobilization of farm labor, and for other purposes; to the Committee on Appropriations.

By Mr. CARY: Joint resolution (H. J. Res. 260) proposing an amendment to the Constitution for the election of Representatives for a four-year instead of a two-year term; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. EDMONDS: Resolution (H. Res. 266) authorizing the printing as a House document the proceedings of the foreign war missions; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 10528) granting an increase of pension to Patton Coomer; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 10529) granting a pension to Mrs. Frank Schultz; to the Committee on Pensions.

By Mr. ELSTON: A bill (H. R. 10530) granting a pension to Sarah E. McCaleb; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10531) granting a pension to Paul J. Flynn; to the Committee on Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 10532) granting an increase of pension to Uriah T. Alley; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 10533) granting a pension to Sarah C. Frankford; to the Committee on Invalid Pensions.

By Mr. LONGWORTH (for Mr. HEINTZ): A bill (H. R. 10534) granting a pension to Warren W. Kendall; to the Committee on Pensions.

Also, a bill (H. R. 10535) granting a pension to Louis Brockman; to the Committee on Pensions.

Also, a bill (H. R. 10536) granting a pension to Laura A. Duncan; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 10537) granting an increase of pension to John K. McBain; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 10538) granting an increase of pension to Edward W. Lauck; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 10539) granting a pension to Harry C. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10540) granting an increase of pension to Daniel H. Harter; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10541) granting an increase of pension to Columbus Sampson; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 10542) granting an increase of pension to Edward W. Lauck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10543) granting a pension to Michael Mulvey; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 10544) granting an increase of pension to John Wesley Melton; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10545) granting an increase of pension to William A. Campbell; to the Committee on Invalid Pensions.

By Mr. WALDOW: A bill (H. R. 10546) granting a pension to George Plevacki; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 10547) granting a pension to Henry M. Agenbroad; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAREW: Memorial of New York Zoological Society, favoring migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of the American Defense Society (Inc.), urging that the charter of the German-American Alliance be taken away; to the Committee on the Judiciary.

Also, memorial of Public Service Commission, second district, State of New York, urging the protection of the State commissions in their right to regulate intrastate rates; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Boise Commercial Club, favoring House bill 9928; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Yavapai County Chamber of Commerce, opposing the Foster bill placing the mining industry under Federal control; to the Committee on Mines and Mining.

Also, memorial of Trumbull County tax map department, Warren, Ohio, favoring the bill granting pensions to members of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Springfield Chamber of Commerce, opposing any increase in second-class postage at present and opposing a zone system at any time; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of the Merchants' Association of New York, favoring Overman bill (S. 3771) for creation of a board of war control and a director of munitions; to the Committee on Military Affairs.

By Mr. FOSTER: Petition of Grand Army of the Republic post, Noble, Ill., asking for increase of pension to Civil War veterans; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of the National Live Stock Association, the Chamber of Commerce of Kansas City, the Western Oil Jobbers' Association, the Western Petroleum Refiners' Association, and the National Petroleum Association, opposing taking the rate making from the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Ream, Otto Lauer, jr., Herman Kuester, Andrew Hebel, and Joseph J. Lennig, of Peru, Ill., favoring universal military training; to the Committee on Military Affairs.

By Mr. GRAHAM of Pennsylvania: Resolution of the war shipping committee of the chamber of commerce, urging prompt action looking to the early construction of much-needed dry-dock facilities; to the Committee on the Merchant Marine and Fisheries.

By Mr. McARTHUR. Petition of U. S. Grant Post, No. 17, Department of Oregon, Grand Army of the Republic, favoring increase in pensions of G. A. R. veterans; to the Committee on Invalid Pensions.

By Mr. SABATH: Memorial of the board of governors of the Investment Bankers' Association of America, favoring the principles of the war finance corporation bill and suggesting certain changes to be made in it; to the Committee on Ways and Means.

Also, petition of the Woman's Association of Commerce of Chicago, protesting against any scale of pay which does not give equal pay for the same work, against an insufficient wage scale, against a longer working-day than eight hours, and pledging support to all efforts to secure better conditions for working women; to the Committee on Labor.

Also, resolution of the New York Zoological Society, favoring the migratory-bird treaty law; to the Committee on Foreign Affairs.

Also, resolution of the Chicago Typographical Union, No. 16, favoring the Sherwood pension bill for the benefit of all American workers; to the Committee on Pensions.

By Mr. SNOOK: Papers to accompany H. R. 9245, relative to military record of William L. Wiles; to the Committee on Military Affairs.

By Mr. STINESS: Petition of Dorothy French and numerous other citizens of Rhode Island, praying that better parcel-post rates be provided for packages sent to the American Expedi-

tionary Forces in France; to the Committee on the Post Office and Post Roads.

Also, petition of Typographical Union, No. 33, of Providence, R. I., favoring the passage of the so-called Keating bill, granting increased compensation to Federal employees; to the Committee on Appropriations.

By Mr. TEMPLE: Papers to accompany H. R. 10355, granting an increase of pension to Robert T. Parkinson; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of Meriden (Conn.) Branch, No. 154, United National Association Post Office Clerks, in behalf of H. R. 9414; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, March 7, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy kingdom is an everlasting kingdom. Thy mercies extend to all generations. Thou art not a respecter of persons. Thou dost embrace all mankind in Thy loving-kindness and in Thy favor. We are saddened by the sinfulness of men. We are perplexed by evil influences that are constantly about us. Many are impelled by selfish motives and pride. We pray that Thy Holy Spirit may sanctify the hearts of the people to respond more fully to the Divine will, that we may walk in Thy way and accomplish all of Thy Divine purpose in us as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, March 5, 1918, when, on request of Mr. FRELINGHUYSEN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM NEW JERSEY.

Mr. FRELINGHUYSEN. Mr. President, I have received from the governor of my State credentials appointing Mr. DAVID BAIRD a Senator to fill the vacancy in the Senate occasioned by the death of my late colleague, Senator HUGHES. I send the credentials to the desk and ask that they be read and placed on the files of the Senate.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The credentials were read and ordered to be filed, as follows:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New Jersey, I, Walter E. Edge, the governor of said State, do hereby appoint DAVID BAIRD a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of WILLIAM HUGHES is filled by election, as provided by law.

Witness: His excellency our governor, Walter E. Edge, and our seal hereunto affixed at Trenton, this 23d day of February, A. D. 1918.

[SEAL.] WALTER E. EDGE,
Governor.

By the governor:

THOMAS F. MARTIN,
Secretary of State.

Mr. FRELINGHUYSEN. Mr. President, Mr. BAIRD is present in the Chamber, and I ask that the oath be now administered to him.

The PRESIDENT pro tempore. The Senator appointed will come forward and the oath will be administered to him.

Mr. BAIRD was escorted to the Vice President's desk by Mr. FRELINGHUYSEN; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. KNOX presented a petition of the Woman Suffrage Party of the twenty-third legislative district of Philadelphia County, Pa., and a petition of Local Union No. 541, International Association of Machinists, of New Kensington, Pa., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for an appropriation for the early